

RADIO

SCREEN

STAGE

VARIETY

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64 PAGES

RADIO DOES U. S. A FAVOR

'Artistic' and 'Creative' Managers May Form Still Another Legit Ass'n

Formation of a new Broadway producer organization, to include various playwright, actor and director-managers, was suggested last week. Idea is that such managers have a different viewpoint and different interests from those of the League of New York Theatres and would form a more cohesive group. Figured the producers who have stayed out of the League would likely join the new organization.

Suggestion is based on the theory that the 'creative' or 'artistic' managers (as differentiated from the purely commercial producers) would find their interests better served in a group such as that proposed. In this connection it is pointed out that the League is composed primarily of theatre-owners rather than producers, the latter having come over comparatively recently from the old Producing Managers' Ass'n.

Among the possible advantages of a playwright, actor and director-manager organization would be a united stand on various questions which now find the 'creative' managements acting separately. Also suggested the group might work out a co-operative setup for keeping accounts and reducing production and executive overhead. Figured the outfit might likewise act in unison to obtain better terms on various for deals in contracts and could possibly work out a system of storage and an accurate index

(Continued on page 12)

SUNDAY NIGHT 'GUESTS' CUT IN ON PAID ACTS

Sunday night guest appearances of name talent at New York theatres is causing agents and bookers to flay the practice as unfair competition. There's talk of taking up the situation with the various talent unions, beefers claiming that cuffed appearances are displacing paid performers, directly and indirectly hurting business, and ultimately threatening to put talent employment in a spot.

Boys regard idea in same light as the cuffed benefit, something which ultimately comes from the actor's pocket anyway. They state that performers are robbing themselves by making such appearances in guise of doing their pals a favor. In reality, as complained, it's high pressure from agents and bookers who handle namers and who arrange the guestings.

Cry is that if any one of them wanted to get such names for a one-show appearance they would have to pay a fancy price. This is especially true of the club date bookers who handle one-night shows. Here, they point out, is the very same performer working for a free meal.

Indirectly, the stunt also cuts in by unfairly attracting business away from spots other agents handle. Result is that shows or salaries are cut for the working acts to offset undue draw of offenders.

Balcony Comic

It happened during the mid-night rebroadcast of Fred Allen's show last week for Bristol-Myers. Portland Hoffa had just approached the mike with a 'Hello, Mr. Allen' and received the customary 'Hello, Portland' when a drunk in the studio's balcony yelled, 'Hello, Portland. I'm from Portland too.'

As the ushers made a rush for the interrupter Allen quickly wisecracked into the mike, 'That's the first time that a heckler was heard from coast-to-coast.'

EPICURE TRADE WOODED BY NEW PALLADIUM

Kurt Robitschek will make a bid for the epicure trade with a 9:30 p.m. curtain for late diners at his three-day straight vaudeur, the New York Palladium, which opens Nov. 21. Opening bill is set, scale fixed and writers and directors assigned. Only obstacle still in the way is unionization of the house, either Equity or American Federation of Actors. Backers have been holding off until this question is settled.

Two-hour show will bow at 3, 7 and 9:30 p.m. The first half will be strictly vaudeville. Latter portion will be a revueque afterpiece. Changeover is to get it out of Equity

(Continued on page 12)

DUE-BILLERS OUT ON A LIMB VIA '39 FAIR

New York's due-bill brokers are already feeling the pinch of the forthcoming World's Fair. Boys have been hit pretty hard by gradual narrowing down of possible deals and see little hope for future.

Hotels, restaurants and theatres are not renewing old deals or making any new ones. All rates are commencing the expected upward climb and wampum peddlers can't get into any picture. There's nothing at all for them at the Fair itself.

Hotels are beginning to let leases expire, wanting only short stay guests at higher rates. Non-expired due bills are being recalled and bought up by inns themselves. It's reported that American Railway Express is now buying up rooms and offering high-priced guarantees, another adverse factor.

PREPAREDNESS VS. PANIC ISSUE

Strategists Taking Cognizance of That Sunday Night Broadcast—Dramatizes Vividly the Lack of Common Sense Should a Real Air Attack Ever Occur—Anti-Radio Press Overplayed It, for Its Own Reasons

ELLIOTT'S ANGLES

Near-hysteria broke out all over the United States Sunday (30) night as result of a fanciful invasion-from-Mars story by H. G. Wells which was broadcast over the Columbia Broadcasting System in the form of news flashes. One immediate effect of the strange behavior of the populace was to focus attention on various social and military implications.

Persons close to the national defense branch of the Federal government expressed the view that besides revealing a jumpy state of nerves, brought on by the war clouds over Europe and Asia, the episode drove home how little prepared the nation is to cope with an abrupt emergency.

Thus, it is being pointed out, Co-

(Continued on page 28)

Convict Enters Play In Contest, but Love Scene Gets Scissors

Cries for author will go unanswered if bad boy No. 59727, of San Quentin Prison, wins the play contest being run by Allied Authors of New York. Convict A. Manford Knothe has submitted a four-titled manuscript for consideration in the contest, which carries a \$250 prize for winner.

Play is variously titled 'Human Interest,' 'Beyond Hollywood Is Broadway,' 'Golden Saturday' and 'Horseplay a la Hollywood.' It's in three acts and six scenes.

Manuscript contains an explanation for a missing part in the first act. Innate states that due to rigid censorship by the officials of San Quentin, part of the script was deleted. It was a love scene and may have been considered rough, he states.

DORIS DUKE'S SCREEN TEST

Hollywood, Nov. 1.

Doris Duke Cromwell, the heiress, took a screen test at Metro, emoting opposite Phil Terry in a scene from 'Mad Living.'

She is being considered for Edgar Selwyn's next production.

Move This Wk. to Heal B'way-H'wood Breach; Dramatists Want Film B.R.

25c

With this issue of VARIETY, its sale price becomes 25c. The increase is not by choice. Publishing costs make it necessary.

U RUSHING OUT 'BUCK ROGERS' FILM

Hollywood, Nov. 1.

To capitalize on the air hysteria and attendant front page breaks all over the country, Universal is readying quick release of the 'Buck Rogers' serial based on an incident similar to Orson Welles' CBS broadcast.

A strong advance campaign for the picture is assured as wire services and picture mags besieged the studio for stills of the mythical

(Continued on page 20)

2D-HAND H'WOOD SHOES, STARS' CURLS SELL BIG

London, Nov. 1.

Second-hand shoes claimed to have been worn by Hollywood film stars and probably used only once or twice during the making of one picture, according to retail shoe merchants here, are being sold in the poorer districts at prices ranging from \$1.25 to \$3.

The British shoe trade is alarmed at this new form of competition

(Continued on page 61)

Determined effort to heal the Broadway-Hollywood breach is being made this week. Representatives of the major film companies and the Dramatists Guild are currently holding a series of confabs to reach a general agreement to permit the re-entry of picture coin into legit production. Studio spokesmen are also invited to attend the annual Dramatists Guild meeting next Monday (7) at the Lincoln hotel, N. Y., to present their viewpoint on the question. Fact that such a bid has been extended is regarded as significant, since no such action has ever been taken in the past.

Specific matter under discussion is said to be the plan first proposed by John Wharton, theatrical attorney, and studied for the last year by film officials and Guild reps. Believed the scheme has been almost entirely worked out and that it will now be submitted to the Guild membership for approval. Idea of the preliminary meetings this week is to bring about an understanding between Guild leaders and the film

(Continued on page 18)

EX-ZIEGFELD GIRLS ADMIT GROWING UP

The Ziegfeld Girls Club decided to modify the name of the organization, and the 'girls' has been dropped. As one of the former 'glorified' girls with a sense of humor explained it, few members who appeared in the 'Follies' have retained much semblance to their appearance of those seasons.

Club, which is functioning along beneficial lines, will conduct a cocktail party at the Maitland Hotel, St. Regis hotel, N. Y., next Sunday from four to six o'clock.

Beryl Halley, one of the club's leaders, was operated on for appendicitis recently but has recovered.

DON'T FAIL TO SEE
the
PARAMOUNT SHORT
in color
"MOMENTS OF CHARM"
with
PHIL SPITALNY
and his
ALL GIRL ORCHESTRA

AVERAGE ADMISSION HAS HELD TO 24c THIS YEAR; CRY FOR SHOWMANSHIP

Giveaways, Prizes and Unbridled Competition Among Factors for Keeping R.O. Scale Down—Question of Neely or Similar Legislation Doped

Average admission price in the U. S. has held to the 24c. average in the last 12 months despite a temporary dip to 22½c. during the summer for days which slump was accelerated by general business recession early in hot weather period. Although this average national admission is slightly above the mean average in the last six or eight years, the appreciation from 23c. and 22½c., which prevailed about a year ago, is so slight that in the trade it is willing even to describe it as an improvement.

There are three invariable factors held responsible for the statewide in average admission price for U. S. in recent years. One is unbridled competition. Another is lack of showmanship, plus the failure of competitors to agree with any degree of consistency on a price list. A third is the routine manner of selling shows, with the inclusion of duals, special prize contest stunts and extra contests or giveaways and general neglect of selling the picture program to the public.

Check this week brought rather unanimity of opinion in the trade that any considerable admittance price boost would depend largely on the amount of concerted energy displayed by exhibitors in selling their programs. Recent experiences indicate that exhibitors put forth so little effort in selling their actual screen entertainment that any admission tilt would not be justified by the resulting decline at the box-office.

Theatre managers claim that the arrival of giveaways and contests to occupy nearly every night in the week, have wiped out the bulk of showmanship remaining in circuit and most individual operations.

The obvious drawback is that it keeps potential patrons always looking for bargains and often subordinates the exhibitor's actual screen show to what he is giving away. Prevalence of the same bargain programs, being used by nearest competitors, also hurt the subsequent exhibitor and indies. It forces them to lower admissions in many cases in order to gain any advantage over earlier-run competition.

Question was brought forward this week as to whether or not the Neely bill, or some comparable anti-block measure, producing more individual product selling, might help to bolster the price structure at film theatres. One industry veteran estimated that selling of features singly or in blocks of only three or four doubtlessly would bring higher percentage film rentals, possibly enhancing the value of pictures and calling attention in the most forcible possible way that his screen fare was a valuable article.

Whether such moves would enable exhibitors to boost their scales will only be determined by actual testing of such anti-block booking statute. Seems little doubt but that the stress laid on upped rental and the emphasis laid on each feature by the new selling method might conceivably bring a return to old-fashion theatre showmanship which, in turn, might improve the general admission scale.

There is enough optimism in certain quarters of the trade to make some see in such new method of selling product a forced realization that 'the show is the thing,' and even wean exhibitors away from giveaways, contests and other freak means of bolstering the boxoffice. Certainly, if exhibs have to pay more for their product, they will be more apt to exert strenuous efforts to put it over with the public.

ARRIVALS

Lilian Emerson, Sylvia Brema, King Vidor, E. W. Hammons, Maria Mueller, Paul Draper, Elizabeth Schumann, Mr. and Mrs. M. Burdino, Richard de Rochemont, Henri Diamant-Berger, Monty Banks, George Black, Sam E. Morris, William Galt, Mrs. B. R. Lipscomb, C. V. R. Thompson, Solomon Sagall, Arthur Sagale, Arthur Levey, Karl MacDonald.

Styled by Goldwyn

Hollywood, Nov. 1. Samuel Goldwyn is out \$1250 for clothes—not for himself but for Jon Hall. Duds were bought for the young actor to impress London as a Goldwyn fashion plate when he went to England on loan to star in Alexander Korda's 'Thief of Bagdad.'

Picture has been postponed indefinitely, and Hall is idling around Hollywood in a \$1250 wardrobe. Meanwhile, his \$250-a-week salary goes on without a picture in sight.

20-FOX PLANT HUMS WITH B'S

Hollywood, Nov. 1. With Class A production slowing down for a period, the Sol Wurtzel unit is doing the bulk of picture-making on the 20th-Fox lot this month. Wurtzel's staff started shooting yesterday (Mon.) on 'Charlie Chan in Honolulu' and on 'Camera Dared' today (Tues.). Others slated for November starts are 'Texas Kid', 'Sports Series', 'Big Town Girls', 'Jenny Family in Hollywood' and 'Mr. Moto in Porto Rico.'

'Wife, Husband and Friend' is the only A production set to start this month. Nearing completion are 'Thanks for Everything', 'Jesse James', 'Kentucky', 'Little Princess', 'Talisman' and 'Three Musketeers.'

ANGEL FOR STRIP PIC SUES FOR HIS CUT

Los Angeles, Nov. 1. A. P. Scott, one of the bankrollers of the Sally Rand picture, 'Sunset Strip Case', filed suit against George Hirshman, asking the court to establish his rights to a percentage of the net profits of the film.

Scott claims he invested \$7,500 at the request of Hirshman on promise that he would receive a cut of the picture's earnings. Also named as defendants are Dr. Eugen Frenke, Esther Muir Coslow, W. Gawartin, H. M. Webster, F & H Productions and International Cinema, which holds the negative.

L. A. to N. Y.

L. F. Alpertock, Adrienne Ames, Phil Berle, Ralph Bettison, Arthur Q. Bryan, Jane Bryan, Eddie Cantor, Gary Cooper, Lili Damita, Joe Donohue, Scott R. Dunlap, S. Charles Einfeld, Lutz Ellman, Max Factor, Jr., Edgar Fairchild, Sidney Fields, Sidney Franklin, Bert Gordon, D. Keith Glennan, Gordon Kahn, Vic Knight, Nola Luxford, S. Barrett McCormick, Jimmy McHugh, Karen Morley, Neil Newman, Jack Partington, Joe Quillen, John Ralph, Anthony Rivers, Mr. and Mrs. Jack Roth, Joe Seidelman, Sandra Shaw, T. K. Stevenson, Mabel Todd, Jerry Wald.

Schaefer Back East After MPTOA Conv.; Spitz on Coast Visit

Oklahoma City, Nov. 1. George J. Schaefer, new president of RKO Radio Pictures Corp., K-A-O Corp., RKO Service Corp. and the B. F. Keith Corp. flies back to New York tonight and is due in New York Thursday (3).

Schaefer was to have gone on to Coast for his first official visit to company's studios to look over production at first hand and for possible appointment of a new head of production. More important matters caused his return to New York at this time.

Spitz's Coast Visit

Chicago, Nov. 1. Leo Spitz, back in Chicago after vacating the prexy's chair at RKO, was the center of a flock of parties, luncheons and general welcome-home celebrations last week. Friends in every walk and branch of life, taking in the amusement industry, political, legal and general commercial fields made these welcoming salutes to Spitz on his return to his 'Cl' home grounds.

Today (Tuesday) Spitz leaves for a short trip to the Coast, with theatre circuit operator Mort Singer accompanying.

RKO's Peak Prod. Load

Hollywood, Nov. 1. Peak load of nine productions are in operation at RKO this week. 'The Castles', 'Beauty for the Asking' and 'Arizona Legion' went before the cameras yesterday (Mon.). 'The Flying Irishman', Douglas Corrigan film, gets the gun tomorrow (Wed.). Five others in work are: 'The Pure in Mind', 'Fascist Line', 'Love Affair', 'The Great Man Votes' and 'Fisherman's Wharf', a Principal production for RKO release. Corrigan reported for work at RKO as co-author and technical advisor on the story of his life, to be filmed as 'The Flying Irishman'. He's working with Dalton Trumbo and Ernest Pagano.

'Nation' Brought In at Under Its Budget of \$200,000

Sylvia Sidney washes up at the Astoria (L. I.) studios this week, Dudley Murphy having completed all sequences in 'One Third of a Nation', Harold Orlow's filmization of the WPA play. Final camera work will not be completed until end of this week and with cutting and editing to follow, delivery of picture to Paramount is not looked for before Dec. 1.

Murphy brought the film in considerably under the budget figure set of \$200,000 which the trade considers remarkable in view of the comprehensiveness of cast and production, plus difficulties occasioned by eastern production problems. Sidney is working on a cooperative basis calling for \$20,000 for five weeks' work, plus a share of the gross.

Early Cal. Rainy Season Stalling Goldwyn's Duo

Hollywood, Nov. 1. Script trouble and the weather are causing Sam Goldwyn to again postpone the start of 'Weathering Heights' and 'Last Frontier.' Meteorologists predict an early rainy season for this section and both pictures call for considerable outdoor shooting.

Glazer Leaving WB

Hollywood, Nov. 1. Understood that Barney Glazer leaves Warners when his producer ticket is punched out this week. He shifted to the Burbank studio a year ago departing Paramount.

Other News of Interest to Films

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Equity tougher on agents... Page 55

Columbia Stock to 3 Insiders Will Raise Working Capital; Salaries

Chan's Son the McCoy

Hollywood, Nov. 1. Sen Yew Cheung, chemical salesman, gets the role of Charlie Chan's son at 20th-Fox, succeeding Keyes Luke. His first assignment is in 'Charlie Chan in Honolulu', starting this week with Sidney Toler in the name role. Cheung is 23, born in California and a screen novice. He was selected from many tests. Evelyn Brooks plays the femme lead in 'Chan in Honolulu'. Picture is Toler's first as successor to the late Warner Oland.

ANOTHER TRIM FOR PAR COSTS

Hollywood, Nov. 1. Paramount studio is due for another economy slash, in addition to the one last June. Stanton Griffis, executive committee chairman, is lengthening his stay another month. Barney Balaban, prexy, and Russell Holman, home office production head, are also staying an extra fortnight. Griffis attributed the need of new economies to the recent wage increases and the shrinkage of European grosses.

No Par Quorum

Paramount board meeting scheduled for Thursday (27) was postponed due to inability to get a quorum with Adolph Zukor, chairman; Barney Balaban, Stanton L. Griffis and Neil F. Agnew, now on the Coast. No matters of a pressing nature were known as scheduled for action at this time. Next meeting will probably be held Nov. 24, when most of the members of the directorate are expected to be in New York.

BAD SPILL HURTS BOB BAKER ON LOCATION

Hollywood, Nov. 1. Bob Baker, western star, was seriously injured on Kernville (Calif.) location Monday (31) when the coach he was driving in a runaway sequence of the 'Phantom Stage' turned over. He suffered facial injuries and a possible fractured skull. Ernie Adams, actor, on coach, also injured but not critically. Picture had a half day to go for windup with runaway saved for the finale due to its hazard.

SAILINGS

Nov. 1 (London to New York), Gino Manzoni (Comte di Savoia).
Nov. 5 (London to New York), Anna Neagle, Herbert Wilcox, Merrill White, Phil Reisman (Normandie).
Nov. 4 (London to New York), Melly Picon (Washington).
Nov. 5 (New York to Caracas), Vicente Gomez (Santa Paula).
Nov. 4 (New York to London), Reg Connolly, J. H. Whitney, Steve Fallos, Douglas Fairbanks, Jr., Jack Segal, Jack Corn, J. A. McConville (Queen Mary).
Oct. 29 (New York to Naples), Arthur W. Kelly (Rex).
Oct. 28 (New York to London), Lili Damita, E. E. Barton, Hal Horne, Richard O'Neil, Mrs. Erich von Stroheim, Paul Graetz, Mr. and Mrs. Albert D. Lasker (Doris Kenyon Sills), (De France).

Washington, Nov. 1.

Money-raising plan which involves eventual dealing in common stock was laid before the Securities & Exchange Commission last week by Columbia Pictures. Immediate effect is to permit private sale of tickets bringing in over \$600,000 to bolster working capital.

Paper will be allotted to three company insiders in accordance with options granted under their employment contracts, with provision for ultimate resale. Only 37,500 shares out of the authorized 1,000,000 are involved.

The application handed the S.E.C. indicates Columbia has arranged to allow Samuel J. Briskin, Abraham Schneider, and Abraham Montague to take advantage of a ground-floor opportunity to pick up the ducaats at a bargain price. Company asked consent to sell them 25,625 shares at \$15 in accordance with terms of options running until 1940 with proviso they will be represented by voting trust certificates that may be peddled at \$15 each. In addition, the plan contemplates parceling another 11,875 in stock dividends.

The document threw new light on Columbia's executive payroll. Harry Cohn, president, drew \$182,020 last year; his brother Jack, as vice-president, got \$104,220; and Schneider, the treasurer, received \$65,220. Several other topnotchers got \$276,662. Contracts expiring next year guarantee Harry Cohn a weekly stipend of \$3,500 and Jack \$2,000. Schneider, under a five-year pact initiated this past summer, gets \$1,250 weekly for the first three years and \$1,500 weekly for the rest of the term.

N. Y. to L. A.

Lucius Beebe, Jimmy Fidler, Dave Kapp, Al Jolson, Dorothy Haas, Patsy Kelly, Norman Krasna, Groucho Marx, Mrs. Nat Miller, Ken Murray, Grover C. Parsons, ZaSu Pitts, Luise Rainer, Frank Seltzer, Ann Sothern, Rose Stradner.

ADVERTISEMENT

SIRITZKY CINEMA CIRCUIT

(FRENCH)

Established and enlarged by Leon Siritzky and his two sons, Samy and Joe, the Siritzky Circuit controls six of the most important houses in Paris and 32 in the Provinces.

The greatest number of important French productions as well as American films have been premiered in Siritzky houses. Among the best French pictures which the Siritzky circuit has exploited are "Carnet de Bal", "Giboulées", "Grande Illusion", "Quai de Brumes" and "Prison sans Barreaux". Presently being shown in Siritzky Paris houses are "Prisons de Femmes", "Castañ", and "Katie".

For important productions to come in the immediate future this circuit has exclusivity on the "Hôtel", "Nord" starring Annabell "Giboulées" with Viviane "Romance" and Erik von Stroheim and "Vieilles Aventureuses" co-starring Edwige Feuillère and Jean Murat.

NO SELF-REG BEFORE JAN. 1

Chi Hears of Still Another U. S. Suit Vs. B&K, Et Al.; Spitz's Clients

Chicago, Nov. 1.

Looming on the horizon is a new case against circuits and distributors by the Federal Government. This case would involve Balaban & Katz and the eight major distributors, with the charges being based on alleged violations of the consent decree entered against these parties in 1932. Department of Justice investigators have been in and out of town for the past two weeks, checking up on various film and theatre situations, especially in the loop. They have spoken to some two dozen of the theatre and film men in Chicago, and to men who are on the fringe of the biz, but involved in the film industry through various connections. Pictures have been taken of several theatres and situations to be used as pictorial evidence, if and when such a suit goes to court.

Following scouring of town by the Department of Justice representatives, further operations here have been turned over to local operators of the Federal Bureau of Investigation.

Separate and Apart

This suit, should it come to trial, would be distinct and separate from other suits involving circuits. It is distinct from (1) present Allied suit against Balaban & Katz and the various major distributors; (2) the pending Federal suit involving all film producers and affiliated theatres, and (3) the pending hearing on the North Dakota bill for divorcement of theatres from film producers.

Leo Spitz, former head of RKO and an attorney well versed in theatre technicalities, is set to represent at least three of the major film companies in the general suit by the Government for the divorcement of theatres from film producers. It is reported that one of the chief factors in the withdrawal of Spitz from RKO operations was the request from film companies that he make himself available to act as their special counsel in the slated federal suit.

B&K ASKS FOR TIME EXTENSION IN SUIT

Chicago, Nov. 1.

In a special hearing before James Wilkerson in Federal Court here last week the attorney for the defendants in the suit of the Allied exhibitors against Balaban & Katz and the major distributors asked for an extension of time to answer due to the plans of the plaintiffs to obtain depositions from the branch managers of the eight major distributors.

Court ruled that the date for these depositions shall be made by Nov. 9, and that the motion for an extension of the time to answer be continued to Nov. 18. However, that if the depositions are taken and additional time beyond Nov. 9 is consumed for that purpose, then the time to answer will be extended by twice that time.

Butcher Cuts Loose

Hollywood, Nov. 1.

E. W. (Ted) Butcher resigned as production manager at the Selznick-International studio after two years on the job.

Coming to S-I from 20th-Fox, Butcher handled the last five productions made by Selznick.

ROSY'S 50G DEM. LOAN

Washington, Nov. 1.

Sol A. Rosenblatt, who was administrator of the NRA film, radio and stage codes, and has numerous interests in show business, has taken up a new sort of angling.

Report to the House of Representatives this week reveals he loaned the Democratic National Committee \$50,000 to help carry on the Congressional campaign.

UA Settles Exhib's Suit

Rochester, Nov. 1.

Caroline Perriello, operator of theatres in Clyde and Naples, has settled her \$4,000 suit against United Artists Corp., it was announced, in Supreme Court, Canandaigua, last week. She sued for loss of business which she claimed resulted from failure of the company to deliver certain pictures under contract.

It is understood basis of settlement was agreement by UA to meet her demands for releases in the future and to pay court costs.

MAXWELL-GN LOOK SET IN ENGLAND

London, Nov. 1.

A distribution deal between John Maxwell and Earl W. Hammons has practically been closed. Would call for Maxwell to release Grand National's product over here.

E. W. Hammons gets in from London tomorrow (Thursday) when Ed Alperson and Jack Skirball will confer with him. Skirball then heads west with Sam Coslow to start production in full swing. Coslow's deal with GN to do a picture with Tommy Dorsey. It's all set but for Hammons' signature.

Company now has five pictures in exchanges on which Alperson reports satisfactory sales progress.

GN has signed Nov. 1 a series of shorts 'Colonel Stoopnagle's Cavalade of Stuff', being produced by Astor Pictures. Two of the shorts have been completed, first going into the Rivoli shortly. Releases start Nov. 15, one a month.

GN in Canada

Montreal, Nov. 1.

Understood that Harry J. Allen, general manager for Grand National in Canada, has called a meeting at Toronto for this week to iron out difficulties in connection with marketing product. Allen has been huddling with head office execs in New York with a view to limiting the allotment of GN product for Canada.

Believed that the schedule of 44 features is considered too cumbersome for booking in Canada in its entirety since the dominant Famous Players-Canadian chain is not backing GN productions.

In addition to pooling arrangements with first runs in every part of the Dominion, F.P.-Can. also controls bookings of most important neighborhoods and since no outlet for GN product is expected from that direction, it is believed that quantity of pictures should be smaller than offered in the United States.

Exchange Heads Shift

Cleveland, Nov. 1.

John Himmlein, former branch manager for Paramount here, resigned to become manager of Grand National's Cleveland exchange. Peter Reicin, who stepped out of latter position, left to take over GN exchange in New York.

Holbrook Bissell made similar shift, from management of Columbia's office here to Monogram's in Cleveland.

Nick Schenck on Coast

Hollywood, Nov. 1.

Nicholas M. Schenck trained in Monday (31) to pass 10 days at the Metro studio on routine biz.

Mrs. Schenck accompanied him west.

MEANTIME, U. S. SUIT STALLED

Self-Regulation's Ambitious Program Further Slowed by Current MPTOA Convention—In Another Story on This Page, U. S. Legalists Disinclined to Delay Further

MUST COMPROMISE

Because of the many angles that figure in connection with each trade practice item up for consideration, the comparing of notes, the checking back and the coordinating of discussions, plus legal angles and the necessity for 100% approval in the end, it is doubted that a program of reforms can be arrived at until after the first of the year. Meantime, every effort through delay in answers and otherwise to stall for time on the U. S. anti-trust suit is expected to be made. More than what would amount to a normal delay may be possible because of the endeavor from within to set up a fair code of trade practices. [A dispatch, herewith, from Washington, emphasizes the Government's impatience with the film industry's stalling its defense reply to the U. S. suit.]

Meetings of the distributor committee of five are continuing meantime at what is described as a satisfactory pace, though slowed up currently because of the Motion Picture Theatre Owners of America convention in Oklahoma City. Pending any action of exhibitor members of committees to go on record with war news, progress being made is declared satisfactory on all sides up to this time. Battling would come later and is not unlooked for as conferences get down to the point where agreement has to be reached on many points submitted for reform, plus terms, conditions, etc. on each.

While it is stressed that both sides (distributors and exhibitors) will have to compromise within reason on various trade matters if a suitable, workable pact is to be drafted, neither is going to go overboard. The exhibitors may prove more demanding in the final analysis than hoped for since, it is felt in many quarters, that faction has the edge. The distributors have approached leading independent bodies to eventually consider their problems and complaints.

So far, the distributor committee has informed the trade and exhibitors at large only very superficially as to progress. It has refrained from informing the industry of that many trade practice items which it has taken under discussion, which items it has refused to consider and (Continued on page 12)

Jock Whitney Sailing, Nothing on Selznick Before End of Year

Despite David O. Selznick's statement that the future of Selznick-International would most likely be settled by the time he gets back from Bermuda in late November, and that Jock Whitney was handling other film negotiations in his absence, there is little chance that any final decision will be made before the end of this year. Whitney sails for London Nov. 4 on personal business and will be gone about a month.

Selznick probably won't jump one way or the other until after 'Wind' is fairly under way and S-I sees how it shapes up.

Henry Ginsberg, general manager of S-I flew back to the Coast over the weekend following a hurry-up trip to New York, occasioned by illness of his mother. Her condition has since improved.

'Twas Tougher for U.S. to Prepare Suit, Hence D.C. Can't Savvy Pleas For Delay in Filing Pix Defense

Bound Over to Nov. 10

Hearing on the motions by five major picture corporations and two banks named in the government's anti-trust suit, to direct the U. S. Attorney General to furnish them with bills of particulars, specifying alleged violation of the Sherman Act, was adjourned yesterday (Tuesday) until Nov. 10 by Federal Judge William Bondy at the Government's request.

Those named defendants and which are seeking the bill are Paramount and its subsidiaries; 20th-Fox and its affiliates, Columbia Pictures, Chase National Bank and Irving Trust Co.

U. S. SLEUTHING Q.T. PIX LABOR PAYOFFS

Hollywood, Nov. 1.

Investigation by U. S. Intelligence Bureau sleuths into charges of labor racketeering, in connection with the industry strike last year, switched to Los Angeles, with big reps of unions questioned and records requisitioned.

Herbert Sorrell of Studio Painters local and L. C. Helm, biz rep of the Studio Utility Employees, first to be questioned about strike settlements and jurisdictional disputes, Agents attempting to ascertain whether if there were any big payoffs in connection with the 1937 strike not reported in income tax returns of certain labor heads.

robing Browne, Bloff

Chicago, Nov. 1.

With Government investigators probing all over this town, the latest group to come within the compass of the Federal men is reported to be George Browne, William Bloff and the general setup of the International Alliance of Theatrical Stage Employees.

General workers and employers in local amusement biz have been queried, with reports that the investigation takes in all deals of the theatrical union and theatre owners.

LACK OF SPACE AT U STALLS FIVE PIX

Hollywood, Nov. 1.

Production of five pictures at Universal is being held up by a shortage of space. 'Son of Frankenstein' goes to bat this week as soon as 'Little Tough Guys in Society' is completed. Other films waiting to start are 'Swing, Sister, Swing,' 'Lady Luck,' 'Newsboy's Home' and 'Young Victory.'

Four films nearing completion are 'The Dead Don't Care,' 'Plane 68,' 'The Eagle Scout' and a Bob Baker western.

Iszard's Post

Hollywood, Nov. 1.

D. Iszard, with the Samuel Goldwyn organization 12 years, has been upped to the post of general production manager. He succeeds Sid Brod.

Robert Riskin finally knows his official title since he joined Goldwyn. It is 'associate producer.' Previously Riskin had a number of unofficial tags, ranging from 'executive assistant' to 'executive in charge of production.'

Washington, Nov. 1.

Disposition of the Justice Department to get tough with the film industry and growing impatience with the majors was further evidenced this week by informal statements criticizing the companies named in the anti-trust action for dilatory tactics.

Further proof that Assistant Attorney General Thurman Arnold is stiffening was the assertion by a Department spokesman that the Government will not accede to requests for more time in answering the petition for a permanent injunction, and the disclosure that Federal attorneys will oppose the industry motion for a bill of particulars. Furthermore, it was hinted, the D. J. will make strenuous efforts to bring the case to trial before the end of this year, rather than spend more time in negotiations which hold no promise of reaching an agreement that would simplify the litigation or accelerate final disposition.

The motion for a bill of particulars will be vigorously fought, chiefly on the ground the Government's desires and reasons were made plain in the original petition and the parties involved in the proceeding have been given a clear picture during discussions with D. J. attorneys. Work going on at present on a brief which will be presented later this month in answer to the motion.

Started in July

Muttering from home offices about the impossibility of preparing for early trial has not aroused any sympathy on the part of the Federal people. While agreeing the case has many ramifications, the D. J. cannot understand why it is necessary to spend a long time writing an answer to the petition filed last July. Retort from the industry that the Government spent many months and used a whole army of investigators and lawyers in preparing its case has been countered with the (Continued on page 61)

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Final Product Deals for '38-9 Season Being Closed Up; Mono, Rep's Strides

Final product deals for circuits, major and independent, as well as for individual theatres, are being rapidly closed up on all fronts, in New York and other division or district centers, as well as in all the exchange points in this country and Canada. Many buyers have waited much later than usual to put out their programs for the coming season, partly with a view to seeing how product of certain companies available to them was coming through, and partly because of haggling over terms.

Numerous large accounts held carryover deals with major distributors which assured them a substantial base of product for the new season from which to build for a fulfillment of the year's requirements. However, in many cases accounts are not filling up entirely, leaving space for product that will be picked up later.

Some of the distributors have been slow to negotiate deals, being responsible for delay in instances as the exhibitors, because of the question of terms, late delivery of new season's product, the uncertainty as to conditions that may be expected this fall and winter, etc.

Noted in sales and trade circles is the advance made by the lesser national-organized distributors, Monogram and Republic. Both these companies have made strong strides during the selling season, getting a remarkably fine representation on the books among large circuits. Sales of both are away ahead of last year at this time.

Among important new deals closed by United Artists, which has been contracting at a fast pace the past two weeks, are Public International circuit in the Salt Lake area; A. H. Blank-Paramount chains in the Midwest; Tri-States and Central States; and the Black Hy Amus. Co. in the Colorado territory.

United Artists has closed a product deal with the M. A. Shea circuit to cover all of this chain's situations in New England, Ohio and Pennsylvania. Harry Gold, eastern sales manager, negotiated the buy for UA, while Ed Grainger and A. J. Kearney signed for Shea.

The Schine circuit, operating in New York and Pennsylvania, has signed for the Monogram product. Harry Berkson, Buffalo branch manager, set the deal.

RKO deals embrace the Hunt circuit in seven Oregon and Washington situations, closed by M. E. Cory of the Portland exchange, and the Leverette Circuit in Oregon and northern California, also set by Cory.

No Glamour Stuff For Lincoln, H'wood Warned

Protest against the portrayal of Abraham Lincoln as a glamour boy was registered by Lin Price, proxy of the Illinois Association, which has 400,000 members in California. With Hollywood rushing to take advantage of the current Lincoln cycle the Illinoisans raised a cry against any hastily-made Lincoln film designed for entertainment only.

Price said he had no objection to Gary Cooper in 'Ab Lincoln in Illinois,' which Samuel Goldwyn is planning to film from the Broadway legit success. Twentieth-Fox is considering production of 'Lawyer of the West,' dealing with Lincoln's younger years. Meanwhile, Warners got the jump on the other studios by rolling its Technicolor short, 'Lincoln in the White House.'

ONE MORE DIONNE PIC

Dr. Alan Roy Defoe was in New York last week for preview of new Dionne quint's starring vehicle, 'Five of a Kind' (20th-Fox). He is being feted by King Features.

Twentieth-Fox is scheduled to make one more feature with the Dionne youngsters under present contract.

Cukor Keeps 'Oz' Moving

Hollywood, Nov. 1. George Cukor took over the directorship of Metro's 'Wizard of Oz' when Richard Thorpe was stricken with flu and ordered to the desert for treatment.

Picture had been in production for two weeks.

Jitterbug Special

Hollywood, Nov. 1. Symphonic Films, producing a series of musical shorts, for Paramount release, is readying a full length opera version of 'The Cabinet of Dr. Caligari.'

Company is also dickering for release of another series of shorts, as well as the original composition of Frederick Feher, 'Slavinka,' slated to be made in three reels.

Gertrude Vanderbilt Drops Alimony Claim Against Joe Pincus

Having been denied the right to examine Joe Pincus, 20th-Fox Film exec, Gertrude Vanderbilt, former musical comedy star, is now dropping her alimony suit altogether. She's making a motion to discontinue, but Pincus' attorney, J. T. Abeles, is insisting that she pay the costs.

Divorced in 1917, Pincus was not obligated then to pay any alimony. Miss Vanderbilt (now Mrs. Joe Pincus) claimed, however, that there was an understanding that, when and if she became needy, she could apply for 'reasonable' maintenance. Hence her plea for \$100 a week. She sued for 10 weeks' back alimony, which the film talent executive contested.

Justice Henry S. Schimmel denied her the right to examine Pincus before trial as to his income, etc.

DEFER KORDA-PAR'S 'LAWRENCE' A YEAR

'Lawrence in Arabia,' in which Leslie Howard was to be starred, will probably not be produced for another year at least, Paramount this week having abandoned its deal with Alexander Korda to produce this at Denham Studios in London. Neither Korda nor Par feels like assuming the burden of producing such a costly film, particularly at a time when the theme is fraught with political dynamite, and doubt that a script could get past the British censors in view of the unsettled situation in Egypt and Arabia.

The 'Lawrence' deal was to have been the first of a series of pictures Paramount contemplated making in England beginning next year and which Korda still hopes to induce Paramount to make at the Denham plant.

Wayne in Driver's Seat

Hollywood, Nov. 1. John Wayne, on loan from Republic, gets the top male role in Walter Wanger's 'Stage Coach,' with an option for two more pictures.

Currently, Wayne is working in 'Red River Range' and has four more western to make for Republic. 'Stage Coach' is being shot around him while he is busy on the home lot.

Metro Sigs Collins

Tom Collins, six-foot-two athlete with stock training and recent experience in radio, was signed this week by Metro, after Coast officials saw the test Al Altman made in New York recently. He is the third mid-west actor to be signed in the last 12 months by Metro, others being Kenneth Stevens and Truman Bradley, latter formerly an ace radio announcer in Chicago where Collins was found.

Collins leaves for the Coast next week. Test of June Preisser, made last week, goes to Hollywood in a few days.

Start on 'Deeds'

Hollywood, Nov. 1. Frank Capra and Sidney Buchman, back from the east, started work on the story of 'Mr. Deeds Goes to Washington' at Columbia. Director and writer spent several weeks in the national capital getting political atmosphere.

More Mares for Mayer

Hollywood, Nov. 1. Louis B. Mayer increased his racing string by purchasing the Jean Chabrun stable from Mr. and Mrs. Frank Orsatti. Film exec is reported dickering for more horses in Europe. Orsatti is giving up racing to devote their time to their horse-breeding farm.

H'wood Hoss Owners Due for Jolt from U. S. Revenooers; No Breeders

Hollywood, Nov. 1. Film execs doubling as horse owners are due to be left at the post in the next Income Tax Derby if they expect to deduct their stable expenses from Uncle Sam's annual bad news. Horse owners, whose business is recognized as an income tax item, must have established that they are operating genuine horse breeding outfits—not merely racing stables.

Few of the Hollywood horsemen have achieved the status of breeders of American thoroughbred stock, for which Uncle Sam makes concessions. Others will be denied immunity, on the ground that picture-making is their primary business and their racing activity is merely a luxury.

PIX-RADIO CO-OP IN B'HAM LYRIC SHOW

Birmingham, Nov. 1. Instead of pulling apart, radio and the theatres are pulling together here this year in the staging of WSGN's Variety Hour. Last year the film houses got hopping mad because the station chose to go to broadcast from a night club and charge admission, threatened to boycott the Birmingham News and Age-Herald, owners of the station. Theatres called WSGN unfair.

But this year the two mules of the entertainment world are eating their haystacks one at a time. The Variety Hour is being put on (each Sunday, 3:30-4 p.m.) from the stage of the Lyric, Wilby-Kinney house. The theatre gets the show to help bolster its pictures and the radio station gets a downtown place without root for presentation of its feature program and, in addition, is able to have a paid sponsor (Utopia Cleaners & Dyers) as in the past. The hook-up is for 13 weeks as a starter with usual admission prices prevailing.

General Manager Henry P. Johnston of WGN said he started the paid admission to help defray the assessment levied against this NBC outlet by the American Federation of Musicians. If he had to pay the assessment, why not work the musicians, he reasoned. Paul Smith's orchestra furnishes music for the program. Ford has been m.c. from the beginning.

Can't Look at Stars For Free and Buy Cheese, Too

Hollywood, Nov. 1. Cheese and the Federal Theatre Authority caused the cancellation of Herald-Express Day, slated yesterday (Tues.) at the annual food show at Pan-Pacific Auditorium. Ellen Drew, Paramount player, was skedded for a personal appearance but FTA ruled that she could not go on without pay, because cheese is being sold at the food show.

Agreement between the Authority and Screen Actors Guild prohibits a player from making a p.a. for a commercial enterprise without compensation. Her-Ex declined to pay, although Miss Drew was willing to appear. With the same rule covering the FTA and other commercial ventures, studio execs are finding it increasingly difficult to use players for publicity purposes.

He Knew It When

Hollywood, Nov. 1. Walter Cameron, sheriff in the world's first screen drama, 'The Great Train Robbery,' is back on the screen after 16 years. Cameron went into the Selznick-International picture, 'Made For Each Other.'

Lefty Soliloquizes on Vaude's Heritage and Radio Politicians

By Joe Laurie, Jr.

Coolacres, Cal., Nov. 1.

Dear Joe:

I ran a couple of features last week that even we didn't want to look at. So I took Aggie, Junior and myself for a little ride in our 1935 coffee grinder, and let Vic and Flo take care of the complaints. We drove to a little town about 50 miles away called Birdseye, and what do you think we did? Yep, we went to a picture show. There's a guy by the name of McNamara who owns the place. His theatre is about the same size as mine; that is, it holds just as many empty seats. I spoke to this McNamara guy (who had a breath you could chin yourself on) and told him who I was. He musta thought I wanted to buy the place, because he immediately made alibis why the place wasn't packed. He said it was a matinee town. I told him our place was so packed that there was no room for me and Aggie; that's why we took a ride over to see him.

I don't know why show people like to each other. When we were trouping we used to catch acts lying about their salaries. When they were getting six bits they'd say they were getting a yard and a quarter, and me and Aggie were no different. I guess actors like to quote the salaries they think they should be getting. Well, it's the same with managers; they always lie about business. To fellow managers they say they're packing them in, and to the exchange they cry, 'Well sir, what surprised us was to see a lot of natives from Coolacres in this theatre. It's funny how people will ride 50 miles away from where they live to see just as bad pictures as they can see in their own town. It's like a kid eating stuff at a stranger's house that he won't eat at home.'

Well, we were lucky in catching a sneak preview of 'Down On The Farm,' one of the Jones Family series and I think the best one of them so far. Don't miss it. What tickled us most was that a little gal by the name of Roberta Smith takes the picture in her tiny hands, runs away with it for a touchdown without any interference. I used to hold her on my knee not so long ago. She was Bobbie to us. She is Paul Gerard Smith's little heiress. You know Paul gave plenty to vaudeville and now he gives the picture people a bundle of talent marked Roberta Smith, Star.

Onsipping of Two-a-Dayers

Vaudeville daddies sure have contributed a lot to the picture business. Jack Coogan gave us little Jackie, Joe Yule gave us Mickey Rooney, Joe Keno gave us Mitzi Green, Bunny Granville gave us Bonita Granville, Ed Biondell 'The Lost Boy' gave us the charming Joan, and Richard Bennett gave us his three talented daughters. John B. Hymer gave us Warren, and Julius Tannen gave us his boy. Then there's Carter de Haven's son, Carlyle Blackwell, Jr., Tom Brown, Charles Morton, Norman Phillips, Jr., G. F. Huntley, Jr., and James Gleason gave us Russell who, by the way, does a swell job in this picture. In the picture we also have Jed Prothy who used to do straight for Leon Errol and John T. Murray, of Murray and Oakland is also swell in it. But keep your eye on this little Roberta Smith gal, she is a future mortgage-lifter for us exhibitors. Yes sir, vaudeville sure gave plenty to the picture producers. Aggie sez the kids of show business today are starting out the same as we used to, in cans.

Well, after the show McNamara took us out for a bite to eat. I noticed he was on a liquid diet. We chewed the fat and exchanged a list of pictures that did business for us. I tore up his list as soon as we got in the car, and Aggie thought she saw him tear up mine. Can you imagine a guy like that?

Well, things at the radio station are going along so-so. I had to give the local politicians a half hour every day. They don't pay for it. That's what I call political economy. You gotta give it to those muggs or else they make trouble for you when they're elected. Aggie and me used to do a gag about politicians when we were in vaudeville. I would ask her, 'What's the difference between a church bell and a politician?' and when she said she didn't know, I would say, 'One peals when you sleep and the other steals from the people.' It always used to get a waw. Aggie don't know much about politics. She didn't even know Roosevelt was elected until she missed Hoover from the newsreels.

Hope everything is okay with you, Aggie and me don't have to worry because we have comfortable insecurity. Sez

Your pal,

Lefty.

P.S. Gene Buck sez, 'The man whose pants bag the most at the knees isn't necessarily the man who prays most.'

PARAMOUNT PROTESTS

Says Networks Appropriated Its Title for 'Air Raid'

Use of the title 'Air Raid' on the poetic drama by Archibald MacLeish, which CBS broadcast last Thursday night (27), drew a letter of protest from Paramount Pictures Corp. Film producer charged that the publicity given the title by the network was bound to confuse the public when it came to receiving a film production, which Paramount had been working on for some time. Letter admitted that it hadn't gone beyond the stage of preparing the story but added that \$100,000 had already been spent in developing and advertising the proposed screenplay. Paramount's communication was received the morning of the broadcast, but the title stayed on the program.

Paramount also pointed out that it had registered the title with the Hays office about a year ago and that it was taking steps to protect whatever property right it had in the prepared work. It was the first time that a conflict of this sort had been received by the network from a film company.

Turner Flies for Rep

Hollywood, Nov. 1. Roscoe Turner planned in from New York for 'Flight at Midnight' at Republic. Picture, dealing with the adventures of a flight inspector, is slated to roll Nov. 15.

METRO NIXES 'HARDY' SERIES ON THE RADIO

Nick Schenck for Loew-Metro turned down a \$15,000 bid for a packaged 'Judge Hardy's Family' series on the air.

Agent Charlie Morrison came on from the Coast to present his proposition, on behalf of a sponsor, for Mickey Rooney-Lewis Stone and the rest of the screen 'Hardy' troupe and script, but the film executive felt it would constitute too much opposition to theatres buying the Metro series.

Metro's present Maxwell House show, 'Good News,' is a \$20,000 talent budgeter.

Benchley East for Air

Hollywood, Nov. 1. Robert Benchley finishes his chores at Metro this week with the completion of the short, 'How to Spend Your Lunch Hour.'

Actor-humorist leaves Saturday (5) for New York to get busy on his Old Gold radio program.

'FRONTIER' LIMES

Hollywood, Nov. 1. Start of Samuel Goldwyn's 'Last Frontier' will be delayed four weeks by an accident to Andrea Leeds, who broke a bone in her foot playing badminton. Picture was originally set to roll Nov. 10. As result of the setback 'Wuthering Heights' has been moved up.

MASTERMIND DIVORCEMENT

Wage-Hour Officials Give Brushoff To Studio Reps on the New Law

Delegation of industry negotiators were told they wasted time in journeying to Washington Friday (28) to beg aid in untangling the legal snarl. Administrator Andrews, flanked by General Counsel Magruder and Deputy Paul Sifton, told the studio worriers to try and reach agreements with unions about classifying workers, and noted that questions of this sort will have to be decided in the long run by the courts.

The wage-hour enforcers flatly refused to give any curbstone opinions, although they offered to try and mediate disagreements in the future between bosses and workers. Idea of accepting the studio execs' formula for segregating employees was distasteful and the fact that film pay is far above other industries did not impress the Federal officials. Position was 'the law must be observed' no matter how much inconvenience is inflicted.

Producers made no progress in attempts to get consent to exceed the 44-hour week limit. Even though union pacts permit a longer week, the Government authorities emphasized their inability to change the statute.

Chain Theatres

Possibility that chain theatres will be subject to the law while independent houses can disregard the labor standards was suggested at the conference and substantiated Saturday (29) by a letter to A. J. Brylawski, v.p. of the Motion Picture Theatre Owners of America. In communication to exhibiting representative, the Wage-Hour Division counsel, Magruder, doubted if the aid help will be affected by the act unless they are connected with distribution. This was said informally to leave unsettled the status of producer-controlled houses.

"In our opinion it is very doubtful whether on the basis of the facts submitted orally by you to Mr. Poole employees of motion picture theatres (not connected with the interstate distribution of films) can be regarded as engaged in commerce or in the production of goods for commerce," Magruder told the MPTOA officer. "Unless the work which they are performing falls under one of these two categories they would not be affected by the wage and hour provisions of the law."

"Even though we were to assume the commerce fact, it is our opinion that such employees are exempt by the provisions of Section 13a-2 as employees engaged in a retail or service establishment the greater part of whose selling or servicing is in intrastate commerce."

No guaranty of immunity from either civil suits or criminal prosecution was given in the letter. Pointing to a prior bulletin, Magruder emphasized that interpretations of the Labor Department are merely indicative until the courts have ruled on specific questions about applications of the statute.

Industry delegation which called on Andrews was headed by Pat Casey, labor contact man for the Hollywood studios, and comprised Ross R. Hastings, Victor H. Clarke, Maurice B. Benjamin, William S. Holman, T. Keith Glenman, and Austin Keough.

70 Scribes at Warners

Hollywood, Nov. 1. New high for writers was revealed at Warners by the latest checkup, showing 70 on the payroll.

Roster also contains 75 stars and featured players.

Time Out for Legit

Hollywood, Nov. 1. Richard Carlson goes back to Broadway as soon as he finishes his current job in Edward Small's 'Duke of West Point.'

Under his contract with Selznick International, Carlson limits his film work to six months a year.

Time-Clocking

Wage-Hour law has its drawbacks for home office employees of film companies. Companies are now obligated to keep accurate record of hours worked and are requesting all employees subject to the act not only to punch time clocks in and out but also to register time out at lunch for supper when working overtime, or recreation layoffs in employee clubrooms.

MONO EXECS IN N. Y. TO CLOSE UP DEALS

Although he has not determined that Monogram will go through on production of pictures in England, W. Ray Johnston, president, who returned Monday (31) from the Coast will discuss the matter from all angles with Arthur Levey, British manager for Mono, and William Gell, managing director of Pathe, Ltd., due in New York by boat tomorrow (Thurs.). Scott R. Dunlap, v.p. in charge of production on the Coast for Mono, who arrives in the east today (Wed.), will also take part in the discussions.

Levey is also coming over from London on an American deal for the distribution of television sets of Scophony in this country. He is accompanied by that mission by S. Sheall, managing director of the Scophony interests, and will be here about two weeks, under plans.

Johnston declares the present thought is to huddle on the making of four features in London, of which talent would be sent from this side. The pictures, long in mind, would be financed and handled on a 50-50 basis by Mono and Pathe, Ltd., if a deal is set. Mono has never distributed any foreign-made product, though it has deals in most countries for the selling of its own pictures, many of which were set up this year by Norton V. Richey of the Mono export department. Every country in South America is closed up excepting Peru, and all of the African territory has been set. Nothing is being done about Italy. A deal was under way there, but couldn't be closed up due to money restrictions.

Johnston has been on the Coast since Aug. 3 on production matters, and, in addition to acquiring some stories for the 1939-40 season, announces contracts with options for five years on the 'Tailspin Tommy' series and for seven years on the 'Wongs.' He returns to the Coast in January, and in the future plans spending about three-fourths of the time on the western end, now that Eddie Golden is v.p. in N. Y. and George W. Weeks is in charge of sales under him.

With around 4,800 accounts on the Mono books now, which is around 500 ahead of the number the last year at this time, Johnston believes the company will hit the high sales quota of \$6,750,000 set for 1938-39. This quota is an increase of \$2,500,000 over the prior year. Production budget this year was upped \$1,000,000.

They'll Swing for This

Hollywood, Nov. 1. Universal's first jitterbug picture, 'Swing, Sister, Swing,' is being readied for production by Bert Kelly, with Joseph Santley directing.

Frank Jenks and Dorothea Kent head the cast, with Ted Weems and his band featured. Ken Murray also set for it. He arrived from New York this week.

IT'S BY NO MEANS TREATED LIGHTLY

Two Schools of Thought: Wait for the Government to Dictate, or Compromise by Voluntary Action—Other Legislation Being Watched on Every Side

EFFECT DITTO?

Theatre divorcement, voluntary or by court decree, remains very much the live question in inner councils of companies having theatre affiliations. It is a subject that is not easily to be tabled for future reference. Industry leaders are alert to its potentialities and are already talking on possible course of action.

Legal advisors and others feel that the most successful procedure would be to contest it bitterly at every step. More practical and politically-minded, however, believe that picture interests concerned would fare better if some plan for divorcement can be devised to satisfy the Federal Government. They are inclined to the idea that this will result in more favorable treatment in the future dealings, specifically the civil anti-trust suit. Furthermore, events seem to be shaping in that general direction.

One veteran in the trade, asked this week if he felt that theatre divorcement would come voluntarily, indicated that it would be a shotgun divorce affair since it is about the same as giving up a gold watch at the point of a pistol. The same executive could see no advantage in divesting theatre interests just now, nor could he visualize any advantage in shifting the corporate structure of major companies. His idea is to let the Federal suit take its course so that anti-trust laws are thoroughly tested out as they now exist.

Similar view is held by many film legalists but purportedly is not shared by executives who see so much legal precedent in other lines of business that they think a fight on theatre divorcement not only would prove unsuccessful but highly expensive. Attitude is that the expense of a legal battle would have to be tacked on to the eventual cost of breaking up theatre affiliations.

This thought is shared by the politico-minded who fail to see how divorcement can be successfully resisted in the present-day national affairs when the political philosophy is rigidly one of breaking up big units of business into smaller ones. They point to what was done 10 years or so ago to packing companies with their retail outlets, and what likewise was accomplished with Standard Oil along the same lines. Contentions are that if this were possible long ago, there is small chance today of resisting efforts to cut theatres (retail outlets) away from producer-distributor parent firms.

N. D. as a Trade Cue

In the meantime, the result of the Supreme Court ruling on the North Dakota theatre divorcement law and the moves in the Federal anti-trust court case will be watched closely to give an inkling on the next procedure by the major companies.

On the outcome of the Supreme Court decision will rest not only what is done in other states on divorcement legislation but also will furnish the cue for action in the anti-trust suit. Upholding of the North Dakota statute might conceivably bring a consent decree on the divorcement portion (held most vital of all) in the Government suit and dropping of other charges.

Copyright Powwow Resolves Into Battle of Wits; 3d Confab Nov. 4

But Will They Laugh?

Hollywood, Nov. 1. Painless comedy is the object of the Laughing Gas Pictures Corp. which has applied for incorporation papers. Company plans to make 52 one-reelers called Laughing Gas shorts.

George Franklin is president, John Colombo v.p., and Boris Charsky, sec-treasurer.

Opinion of those concerned with the U. S. copyright situation is loosely divided into two main groups. In general, the authorship faction opposes consideration of the Duffy bill and favors discussion of the older Vestal bill. The industry faction, on the other hand, leans in favor of the Duffy bill against the Vestal bill. That development was virtually the sole definite result of recent meetings at Columbia University, N. Y.

Session was the second held to consider the copyright problem, first having been held early last July, also at Columbia. Third confab is scheduled for Nov. 4, when suggested changes in the existing copyright law will be offered. Effort will be made to put the proposals into concrete form. Although definite suggestions will probably be made by the interested groups, little actual progress toward a united stand is expected. Differences between the two conflicting viewpoints are considered too fundamental for that.

Last week's meeting, which was held under the sponsorship of the Committee for Study of Copyright, a 'subsidiary' of the American National Committee on International Intellectual Co-operation, under the auspices of the League of Nations, turned out to be little more than a game of chess, with only the cautious preliminary moves being made. In general, those present were aligned into two groups, according to whether they represented the authorship or employer opinion on copyright.

The session developed into a battle of wits, with each side attempting to outmaneuver the other and to win the committee's support without revealing its real attitude or plans. About the only thing everyone present agreed upon was the need of some sort of revision of the present copyright situation, which all considered intolerable. Proposal to draft a plan of action was dropped after the opposing sides couldn't agree how it should be done. Authorship 'sided' favored seeking outside aid in drafting the plan; the industry end opposed it. As at the July meeting, it was agreed by those present not to reveal what took place at the session.

Among those attending last week's meeting included Dr. James T. Shotwell, of Columbia University; Dr. Edith Ware and Waldo Leland, of the Committee for Study of Copyright; Edwin P. Kirose, 20th Century-Fox's copyright attorney; Gabriel Hess, Hays office attorney; Louise Silcox and Henry Jaffe, for the Authors League of America; John W. Paine and Herman Finkelstein, for the American Society of Composers, Authors and Publishers; Frederic G. Melcher, for the book publishers; Marvin Pierce, for the magazine publishers; Richard Manning, for the committee on study of materials and research, and Melville Miller and Sydney M. Kaye, for the National Assn. of Broadcasters. At the request of the League of New York Theatres, Milton R. Weinberger, its attorney, as well legal rep for the American Theatre Council, was invited. He failed to attend, however. This was considered significant, since one of the provisions under which the Dramatists Guild agreed to attend the first American Theatre Council convention was that the council would not try to take any action on copyright.

Tossed Out, Charge In \$151,890 Suit Vs. Tally

Los Angeles, Nov. 1. A. M. Gallos, theatrical producer, filed suit for \$151,890 against T. L. Tally, theatre owner, charging wrongful eviction.

Gallos claims he was ousted from Tally's Criterion theatre, July 29, after spending large sums to reconstruct the house.

20TH-FOX TURNS ON THE HEAT IN BIZ PUSH

Increased pressure is being put on 20th-Fox sales forces by Herman Wobber and his division managers for improvement in showing of advance rentals for remaining weeks in the S. R. Kent sales drive. Drive leaders are harping on the fact that the financial status of the company for the entire year of 1938, as well as for the final quarter depends on the way sales forces deliver these next two months.

Kent, Joe Schenck and Wobber are particularly anxious to have the field forces step up delivery of advances to make possible a healthy financial picture for the entire year. Final quarter business, it was expected, would considerably exceed that of the fall of 1937, reflecting improved business conditions generally this year, and every effort is being made to reach the expected goal.

Wobber has put everything aside to concentrate on final phases of the drive and had to pass up the MPTOA convention in order to be at the studio this week for conferences with Darryl Zanuck, Schenck, W. J. Kupper, western division sales manager, and J. P. O'Loughlin, drive leader, on future releases.

Wobber is due to return to New York Nov. 11 and will convene all district sales managers at the studio Dec. 15 for sales and production conferences with Zanuck on 1939-1940 season product. Most of the major pictures for that season are already lined up on paper by Zanuck.

'Boys Town' Halved, To Play Pic Theatres

Chicago, Nov. 1.

Stage production based on Boys Town, the Nebraska home, is being cut down from a 120-minute presentation to a 55-minute unit and will play regular picture houses.

First date for 'Boys Town' unit is the Tower, K. C., opening Nov. 18.

Father Flanagan has been in the press this week with statements that Metro's extraordinary publicity of the film has reached negatively to the vice, in that the public now feels Boys Town, Neb., is very solvent. Father Flanagan states its funds (voluntary, strictly) are \$5,000 behind last year.

Name Player Scarcity Stalls Sheehan's 'Florian'

Hollywood, Nov. 1.

Delayed another two months by lack of name players, Winfield Sheehan is mulling the idea of a European trip before he starts production on 'Florian' at Metro.

Script, in its final polishing, will be ready this week.

INDUSTRY LEADERS PULL NO PUNCHES AIRING TRADE OPINIONS AT CONVENTION

MPTOA Conclave a Vivid Forum—Sundry Expressions by Film Spokesmen Manifest Vital Concern in Welfare of the Biz — Oklahoma City Convention a Success in Many Ways

By ARTHUR UNGAR

Oklahoma City, Nov. 1. Oklahoma City was itself proud in the holding of the 18th annual MPTOA convention. This is first town that Hollywood has given the nod for an exhibit meet, with plenty of talent on hand for the film ball at Municipal Auditorium tonight (1). Later sent Mickey Rooney; Warner delegation has Marie Wilson, Joan Esque, Olivia de Havilland, Margaret Lindsay and Jane Bryan; 20th-Fox supplied Brian Donlevy and Marjorie Weaver; Gene Autry, Tex Ritter and Jack Hoxie were the horse oprey contingent, with Bill Boyd, Weaver Bros. and Elvira, ZaSu Pitts and Gene Austin also coming in for the festivities.

Every contingent of the screen visitors were met at either train or plane by delegations of shooting cowboys headed by L. C. Griffith and T. B. Noble, three or four bands including a contingent of 60 girls forming a Scots Kiltie Band, police, Governor's aides and what not.

Pic people also found plenty of welcome wherever they went. Radio stations gave them time, theatres had them making personals with many of them to remain over to go to Claremore, Okla., Friday, for dedication of the Will Rogers Memorial.

Morris Lowenstein, MPTOA in charge, had the town decked from stem to stern, his entertainment kept everyone on the jump from time of arrival to departure, with Chief of police giving immunity to the delegates. Later could park cars any place, any time and were even immune in case they trafficked in bootleg liquors in this otherwise dry community.

Arrivals were early, starting Friday (28) with more than 300 on hand for the Sunday reception held by President Ed Kuykendall. Monday they started arriving from all adjacent territories, and though around 450 registered at \$10 a head, close to 1,000 were on hand for the Monday sessions and festivities.

Entire Slate Re-elected

Entire roster of MPTOA officers were re-elected for the ensuing year by the board of directors at the initial board meeting Sunday. Those who got the nod were Ed Kuykendall, pres.; M. E. Comerford, Sec.; M. A. Lightman, Memphis; E. C. Beatty, Detroit; Mitchell Wolfson, Miami, and A. J. Brylawski, vice-presidents; Morris Lowenstein, Oklahoma City, secretary; Walter Vincent, treasurer; E. G. Levy, New Haven, general counsel; and J. H. Wehrenberg, St. Louis, chairman of board directors. Seventeen of the 28 board members attended this session.

Wage-Hour Raising Cheers

The 18th convention, Oct. 30-Nov. 2, drew more interested exhibitors to its sessions than any previous meet. With registrations well over the 400 mark. The Civic Room of the Hotel Biltmore was crowded for the initial session Monday (31).

Highlight of the entire meet was information sent A. Julian Brylawski by Calvert MacGruder, counsel general for the Wage and Hour lawmakers, that motion picture theatres did not come under the provisions of the law. When Brylawski read his communication there was plenty of good cheer among the exhibitors as the attitude of the wage and hour division on this point means a savings of at least \$4,000,000 in theatre operations a year.

At the same session Ed Kuykendall, elected for sixth time to head the organization, made his annual report in which he blamed the New Deal, Allied Theatres, and meddlers or self-appointed reformers for the dissension and chaos the film industry has on all sides. He pointed out that the biz must pull together and mend its fences before the Government comes into the job at an unpredictable cost which might be disastrous to the biz in general.

Harry Sherman, only Hollywood producer here for the opening session, discussed the situation there, how labor costs have gone up and the toll that the industry has had to pay as result. Costs are up almost 40%, he stated, and necessitated increasing the allowance for his "Hopalong Cassidy" series of \$20,

800 from \$65,000 to \$85,000. Sherman closed his oration with the declaration that producers and directors should get in closer touch with the movie-goers else the public may become less "Hollywood-conscious" and pass up the theatres for other forms of entertainment.

Nate D. Golden, chief of Motion Picture Division, U. S. Department of Commerce, talked on the foreign market. He declared that danger signals lie ahead for the industry if they are not counteracted that may lead to a serious curtailment of foreign revenue. With 40% of total take coming from foreign market and 70% of American product used in those countries that some measures would have to be taken to conciliate matters in these fields, or the American exhibitor would have to carry the load.

Amortize Prod. Costs

He stated he had two ways to figure if this was the case. First picture costs would be reduced so that companies could amortize the cost from domestic sales to get a reasonable profit, or the producer could continue to make the same kind of pictures now being shown with the exhibitors being asked to pay increased rentals. He pointed out the generally bad legislative situations in the European countries and told of how U. S. films have been banned from Japan since September, 1937. Said he understood that the Japanese embargo is to be lifted under condition that American companies leave their money in the Japanese domain for three years, without interest, before withdrawing it from that country.

Civic Interest

M. A. Lightman, of Memphis, head of Malco Theatres, spoke on 'Importance of the Exhibitor in the Industry.' Lightman stated that the exhibitor should be leading citizens in their community, a chamber of commerce by themselves for the industry. He pointed out pictures bought must be sold and that they should not let down exploiting the intermediate pictures. Lightman stated there were too many in the business to chime in with the critics and that it was the biz of the operators to repel any attacks or criticism against the industry; that they had an educational task to perform with their patrons, and should shush any alleged scandal gossip. He stated the private lives of people in the industry were their own, that it should be respected and not publicized. Lightman concluded by stating that double-billing of great pictures at cheap prices is the worst phase of motion picture promotion and, if not stopped, is bound to irreparably injure the business.

Wehrenberg's Address

Subject matter for J. H. Wehrenberg, chairman of MPTOA board of directors who hails from St. Louis was 'Public Relations for the Local Theatre Operator.' He told of formation of 'Better Films Council' many years ago to develop high standards in picture-making and the benefits its work has accomplished in the industry. He spoke on labor legislation and how the law-makers will be ready to cut an exhibitor's throat to gain labor votes. He said that IATSE is entirely out of line with its demands in Missouri, such as hot and cold water in projection booths, separate rewinding rooms, and that it is the duty of exhibitors to stand up to the unjust demands unions even though legislative enforcement is attempted. That only way exhibitors could keep from getting this type of legislation and demands would be to pay employees a living wage commensurate with the biz they do, and not to use the subterfuge that the cashier, usher and ticket-taker must work for anything just as long as they see the show free.

Closing the Monday session was Charlie Casanave of National Screen Service who spoke of advance of display advertising in and outside of theatres.

Tuesday's Session

Tuesday's session had as its highlight speech by J. H. Schaefer, Bill Rogers and Eddie Golden, who went into industry problems and dis-

cussed pros and cons of industry conditions.

Harold Rodner informed delegates the Will Rogers Memorial Fund was now completely self-supporting and out of debt through operation of its endowment fund. He told of Saranac Lake and the French hospital handling and how patients are built up until recovered. He insisted employers must guarantee patients their jobs back to take away any mental distress, and asked exhibitors intend selves only in cases of employees who may become patients.

Eddie Golden (Monogram) asserted self-regulation and Government interference are not the solution to industry problems; also that the elimination of score charges, music charges and non-forcing of short bookings, with features, will not make matters any healthier. That it is just like treating a cancer with vaseline. Only solution he could see for whole matter is elimination of block booking and divorcement of theatres.

Pisnor's Plan

Lewen Pisnor of Philadelphia had as his subject the 'Contractual Relations Between Distributor and Exhibitor.' He declared there is an extremely pessimistic attitude toward present contractual relations; that contracts should represent meeting of two minds, but due to economic position exhibitor has virtually nothing to say in making contract; that exhibitors, therefore, are not working under terms set up by distributors. Therefore, distributors can demand and receive 'exorbitant and unfair' prices by holding up product and that exhibitors must give in to be able to operate. He insisted contracts should provide that distributors furnish certain number pictures at specific terms, instead of the means used at present. Present method, he contends, allows distributors to defer release dates until contracts with exhibitors run out, and that distributors have the right to make reallocations of pictures in different classifications as to rentals. Pisnor opined that the trade conferences have failed to produce a complete understanding. (Continued on page 25)

Drive's 2-Reeler

'The World Is Ours,' two-reel short to ballyhoo the 'greatest picture year' campaign, was previewed in N. Y. last week and released to exhibitors. More than 1,000 prints were made available. Series of early silent film shots build to biggest laugh in film.

Subject is a surprise entry in that it is first-rate entertainment and at the same time explains briefly the inner-workings of the business. One pungent point made is the manner in which the average film theatre dollar is split so that 65 remains in the community. Production staff was headed by Frank Whitebeck. Part of short is narrated by Truman Bradley. Cast comprising typical U. S. family includes Dorothy Peterson, Anne Shirley, Samuel S. Hinds, Charlie Gwynne and Johnny Walsh, with about 40 past and present-day stars appearing for flash closeups.

K-A-O, B.F. KEITH CORPS. DIP \$318,000, \$300,000

Net profit for Keith-Albee-Orpheum Corp. and subsidiaries for the first 39 weeks, ending Oct. 1, dipped approximately \$318,000 below comparable period last year, while B. F. Keith and subsid., in same period, dipped nearly \$300,000. The Keith net is \$368,281 for 39-week period this year.

Unusual feature of Keith-Albee earnings statement issued last week was that, although profit before provision for depreciation and income taxes was \$1,325,034, or only \$346,000 below the same period in 1937, net profit was \$596,049, as against \$914,672 in the preceding year. Company showed \$994,140 net for 52 weeks ending Oct. 1, or \$154.48 on 64,304 shares of convertible preferred. For the 39 weeks, the company earned \$9.26 on the preferred, against \$14.22 same period in 1937.

B. F. Keith report showed net profit of \$368,281 in 39-week period ending Oct. 1, as compared with \$663,946 in similar period last year. The net profit in 52 weeks ended Oct. 1 totaled \$754,363.

Schaefer Calls 'Best Entertainment' Drive the Industry's Top Campaign

Oklahoma City, Nov. 1

George J. Schaefer, in his address before the MPTOA, opened quickly that he's present under a slight misrepresentation, having been invited as a v.p. of United Artists, but he's now there as president of RKO. He got serious pronto, with a review of how bad the picture business had been, until the organization of the 'Motion Pictures Are Your Best Entertainment' campaign.

He said that such elements as the depression, heat wave and loose talk by several executives, as well as internal dissension within the industry, had caused 135,000,000 people to wonder what was wrong, as well as having an influence on production brains—such as they may be.

Schaefer continued that the picture executives had built up the finest campaign that the industry has ever had, and there should be some sort of a similar stunt pulled again next year, and every year.

Schaefer stated that the primary initial advertising was based on the principle that the industry was a better story to advertise than the \$250,000 giveaway—meaning the Movie Quiz—so they sold the industry in the newspapers, and the Movie Quiz stunt via the screens.

He observed there was some confusion through commentators criticizing the Quiz, but that, after explanation, this was stopped and cooperation is being shown by the exhibitors. Schaefer stated here and there some feel that 'we have not gotten the results that they anticipated,' but that he did not think or intend to make the contest a continuous banknote. It simply is for the purpose of attraction attention to theatres by the public and will show results in the long pull.

Some Statistics

He felt that they had recaptured the public interest in the picture, which is now more favor-

able to the industry than ever before. Schaefer declared that \$165,000,000 a year is the budget for production with a \$1,500,000 weekly Hollywood payroll to supply film for 16,000 U. S. theatres and a total of 85,000 in the world. Said the load is back-breaking for Hollywood to furnish a schedule of 850 pictures a season and make them all great. Stated that Belasco and the Shuberts were contented with two hits a season, while picture exhibitors feel they must have 350 between with other picture producers than it ever did from the stage. Pointed out that only one out of three pictures pays off to the producer.

He told of the shrinkage of foreign markets and that currently no coin at all comes from Spain, Austria, Germany, Russia, China and Japan, with other countries having quotas and blocked currency. And on top of all this grief the industry is further hampered by unnecessary cancellations of pictures, with the industry trying to tear itself apart as well.

Schaefer explained that he is behind the conciliation plan and expects much of the trade practice conciliation.

Bill Rogers explained at the afternoon session what had transpired at the trade meetings and what could be expected in general. Edward G. Levy spoke on important court decisions of the year.

Tonight (Tuesday) is the occasion for the film ball, with all of the Hollywood contingent expected to be hand to give the locals a chance to look them over at the Municipal Coliseum, which will be packed to its capacity of 15,000 and with many turned away.

Tomorrow (Wednesday) is the final day of the sessions, at which committee reports will be made and open forum discussions will be held. Convention winds up in the evening with a dinner dance at the Oklahoma City Golf and Country Club.

UA-F.P.-Can. Truce Creates a Squabble Among 2 Nabe Chains

Montreal, Nov. 1.

Following resumption of booking of United Artists product by the Famous Players-Canadian chain, the two dominant neighborhood chains here, in which N. L. Nathanson has partnership interest, are squabbling over priority bookings. Confederation Theatres, smaller chain, claims that United Amusements, with 15 houses, should not get first bookings of UA film because it (Confed) gave up the UA franchise only because of intervention by Nathanson.

Nathanson obtained interest in United Amusements chain some time ago, later getting a slice in Confederation chain also.

Confederation had United Artists product then but when Nathanson fell out with George J. Schaefer, erstwhile UA sales exec, Confederation stopped booking UA product also.

With resumption of dealings with United Artists it is reported that Nathanson pencilled in UA product for United Amusements, the larger chain of nabes. N. Lawand, head of Confederation, last week took his plea to Nathanson, in Toronto, pointing out that it would be unfair to deprive him of product which he had given up only because of Famous Players-Canadian intervention.

It is understood that an arrangement is to be made whereby Nathanson will allow Confederation houses priority on United Artists pictures, but where United Amusements houses are not used to Confederation the United theatres will show UA films at about the same time.

Where United houses are considered opposition to Confederation then UA film will be given first to Confederation.

N. Y. Indies Impressed With Distribb's Sincerity

After the first week's trade practice committee's discussion with exhibitor groups in New York, considerable progress is reported, but what has actually been accomplished is shrouded in mystery. Participants are sworn not to discuss matters. However, the leader and president of the I.T.O. of N. Y., Harry Brandt, states: 'I am impressed with the sincerity of the distributors we sat down with this past week, who are really anxious to clean up the middle. How far they will go remains to be seen.'

Whatever points have been agreed upon, however, are up for some wide-open discussion in Oklahoma City at the MPTOA convention this week, and out of these talks will come a clarification of whatever concessions are to be incorporated into a new standard exhibition contract.

SMPE Meet Ends

Detroit, Nov. 1.

After a busy three-day session, Society of Motion Picture Engineers will close its annual conclave at the Hotel Statler here tomorrow (2). Total of 32 technical papers, covering sound recording, studio lighting, theatre practice, film processing, et al, will be presented during the session. Conclave officially opened yesterday noon (Monday) at luncheon with address of welcome by Mayor Richard Reading, and talks by James Handy, prez of Jam Handy commercial engineering company; George W. Trendle, head of United Detroit Theatres (Par), and C. E. Ketterling, director of General Motors research. Late film releases were screened at Monday night's seah.

Banquet climaxed today's session, the highlight being presentation of the SMPE Medal and the Journal Award, given for significant technological contributions and outstanding papers published, respectively.

'Ranger' Bunched

Hollywood, Nov. 1.

Republic is trimming its sagebrush cliffhanger, 'The Lone Ranger,' from serial to feature length. Robert Bache, associate producer, is doing the revising. He will also handle the new Republic serial 'Ranger Returns,' due to start in two weeks.

Rep puts four new ones into production this week, 'Red River Range,' 'All Their Tomorrows,' 'Federal Man Hunt' and 'Shine On, Harvest Moon.' 'Wagons Westward,' big budgeter, may get the gun next week if casting is completed.

AGENTS GIVE IN TO GUILD

Agents' Stance

Although the Artists Managers Guild appears to have agreed to licensing and supervision by the Screen Actors Guild, spokesmen for some of the largest New York and Hollywood agents indicate they have no intention of knuckling under demands that will make it impossible to continue to operate profitably.

To begin with, the actors want to restrict agents' representation contracts to no more than one year, with renewal options. To this demand, the agents will counter with a proposal to abandon the customary 7-year pacts with clients, to a minimum limit of four years. Few of the most successful and active agents will agree or care to handle clients on a one-year basis. They argue that it takes at least two years' time to build up an artist to the point where his agent can demand a substantial salary and a term contract, and that under such a contract compensation is usually at a minimum the first year with provisions for boosts in subsequent life of the contract.

On the matter of reduction of commissions to be paid, the actors are insisting on a maximum of 5% instead of 10%. If they are forced to agree to this point, agents will demand the provisions of standard contracts with artists be modified. They will propose a division in the services which agents will render a client and will demand that the 5% commission cover only the obtaining of actual employment.

They will demand that a further charge of 5% commission will be asked for business management of clients' affairs. Such matters as adjustment of contracts, income tax preparations and negotiations with the Government, over disputed returns, and other extra managerial problems take up at least one-third of all the time agents now generally devote to clients, and for this there must be adequate return or agents will be forced out of business.

AGREE TO ACCEPT LICENSING PLAN

Opposed to Many of 19 Points and Suggest Own Changes—Demand for Better Protection Voiced by Actors—Drawing Up Code of Ethics

OTHER LABOR TRENDS

Hollywood, Nov. 1. Motion picture agents have surrendered to the actors. The Artists Managers Guild, after taking over the independent agents and threatening a fight to retain autonomy, suddenly tossed in the towel and agreed to accept licensing plan of the Screen Actors Guild. Committees representing two groups are now working out a code of ethics under which the agents will operate.

Simultaneous with a mass meeting of actors at which it was suggested the original 19-point franchise program be tightened, M. C. Levee, proxy of the AMG, dispatched a letter of acceptance to Kenneth Thomson, executive secretary of the SAG. The letter follows:

"We are in receipt of your favor of Oct. 24, 1938.

"The Artists Managers Guild has objected to the principle of licensing for reasons which are as vitally important to actors as to agents. We still adhere to our objections, but if the Screen Actors Guild is committed to the principle of licensing we are willing to accept that principle upon the following conditions:

"One: That licenses shall be initially issued to all agents now engaged in the motion picture agency business in this community.

"Two: That we shall mutually agree upon a code of ethics controlling the conduct of agents and specifying definitely the particular acts or omissions for which a license could be revoked, and maximum penalties for other violations of the code of ethics of lesser importance.

"Three: That before a license may be revoked, an agent shall have an opportunity to be fairly heard before an impartial tribunal or board of arbitration.

"You have heretofore submitted 19 points as a basis of discussion for the purpose of establishing rules regulating the relations between actors and agents. We are opposed to several of the 19 points but will be pleased to proceed with discussions with your committee regarding same.

Make Plea for Security

"You will appreciate the fact, of course, that an agent's business is an asset of great importance to him personally and frequently of great value. It is a means by which he earns a livelihood and also, in many cases, a means of providing employment for others. The revocation of the license of an agent under such circumstances would be a very drastic penalty. Manifestly there would be no security for an agent, his business, or the employment of his employees, unless the procedure by which a license might be revoked would provide for a final determination before an impartial tribunal.

"We think it is equally obvious that the particular offenses for which a license might be revoked should be definitely specified so that the agent may know whether any proposed course of conduct would violate such provisions.

"We offer, merely as a suggestion for your consideration the following as a means of simplifying the mechanics of operation:

"The Screen Actors Guild shall employ an investigator to be approved by the Artists Managers Guild. Such investigator shall be paid a salary by the Artists Managers Guild in such amount as may be mutually agreed upon by both guilds and shall devote his entire time and attention to investigating disputes between members of two guilds or any com-

(Continued on page 23)

Strength in Pathe, Columbia Stocks Feature Market; Divorcement Talks

By MIKE WEAR

Higher prices generally prevailed in yesterday (Tuesday's) stock market session as trading in amusement shares last week saw many issues marking time after recent spirited advance. Columbia Pictures again was strong making a new high at 18 1/2.

Strength displayed by Pathe Films and Columbia Pictures in last three sessions of market, with series of new highs made by both, formed most discussion on the picture group yesterday. Move in Pathe, which secures bulk of revenue from laboratory work and interest in DuPont Film, was attributed to better developing business in 16-millimeter and standard film field plus greater earnings by DuPont. Company does not act on dividends until late this month.

Columbia advance was based on outlook of heavy returns from 'You Can't Take It With You,' and generally improved earnings.

While a majority of film and radio issues failed to extend their recent gains, bonds again boomed forward to new peaks. Losses in stocks were not alarming; majority holding close to recently established peaks. Paramount old 6% bonds hit the century mark while new 3 1/2% liens made a new high at 87 1/2. Warner Bros. obligations climbed to 91, with certificates for the new 6% bonds going to 90, both new peaks. RKO 6 1/2% remained close to the new high level of 81. Loew's liens were near 102 1/2, top mark for the year.

Interest was aroused last week in Wall Street over what will happen to stocks of film companies should they split their theatres from the parent picture corporation. Opinion

is that two new stocks would be issued, basically on a 50-50 split although dependent, of course, on inventory made of theatre holdings and of production-distribution properties.

Thus, if the value of theatre properties and earning probabilities were judged to be 20% greater than that in the film company itself, the split might conceivably be 60 shares of theatre circuit stock and 40 shares of film company stock for every 100 shares held. That is a likely distribution in such case, with preferred issues and any bonds outstanding worked out along the same lines.

Probably no attempt will be made to divide up RKO shares in any such manner until the company emerges from 77b. But once that is settled and new stock distributed according to the plan, there is likely to be another split of shares when the film company is separated from RKO theatres. Present urge of those in command is to work out some such split so that the theatres will be divorced from the producing-distributing company.

In the instance of this company, or any other picture company deciding to cut loose its theatre setup, the usual procedure on any stock plan (that of shareholders being asked to pass on the plan) would be followed with representative majority vote prevailing.

20th-Fox Fuzzled Some, But—

Though some traders expressed disappointment because 20th-Fox common did not rise abruptly in the recent advance, its strength in the face of surrounding weakness appears to be the answer to what some described as backwardness. 20th-Fox shares had been showing steady gains over a period of weeks while other issues were not doing so well. Hence, it hardly was an unfavorable sign when this stock merely continued showing steady fractional gains while others were souring.

Madison Square Garden declared 25c cash dividend last week, bringing total for year to \$1.65. Company paid 20c in August. Those in the story familiar with the dividend history of the corporation over the last four years were agreeably surprised by the substantial distributions already made to date this year. Stock recently made a new high at 10 1/2.

American Serting reported profit of \$142,600 for the nine months ending Sept. 30 as against \$519,004 for comparable period last year.

Crosley Radio reported a loss of \$48,484 for nine months ending Sept. 30 against profit of \$103,581 in comparable period last year. Company reduced its losses by nearly \$74,000 in the third quarter.

Three-month report of General Theatres for period ending Sept. 30 showed a net profit of \$218,524 as compared with \$257,805 in same period last year.

Catholic Youth Org. In Albany-Troy To Picket Russe Pix

Albany, N. Y., Nov. 1.

Picketing the theatres which show pictures portraying 'a friendly attitude to the Russian type of government' or containing suggestive scenes, is one of the activities to be aggressively pursued this year by the Catholic Youth Organization of the Albany Area. Delegates of high school units, at a bi-monthly meeting in the College of St. Rose, discussed this as part of a twofold program. The first is to fight Communism; the second is to 'clean up' films and combat suggestive articles in newspapers and magazines.

Films falling within either of the categories mentioned above will be placed on the 'forbidden list'. Houses showing these will be picketed. The CYO unit at Catholic Central High School, Troy, one of the strongest in the country, did picket Proctor's, that city, on 'Blockade' (UA) last spring. However, the film was screened for only three days and was out before some other Catholic organizations in Troy could mobilize protesting sentiment. Letters were written to the theatre management and to area newspapers. Some appearing in the latter after the showing of 'Blockade' had closed.

CYO delegations are visiting local dailies for talks with editors in an effort to keep out suggestive pictures and stories. They also intend to write to magazines of national circulation asking a halt in the reproduction of such photos, etc.

Russ Birdwell Quitting S-I; Own Publicity Setup

Hollywood, Nov. 1.

Russell Birdwell is leaving Selznick-International to form World Publicity Corp. and likely handle Selznick along with other accounts. John Leroy Johnson stays on with the Wanger unit.

Birdwell will hand in his resignation to Selznick on latter's return from Bermuda.

'Sweet Adeline' Suit

At Warner Bros. request, Supreme Court Justice Phillip J. McCook Monday (31) directed the appointment of a commission to take depositions at Los Angeles of I. E. Chadwick, president of the Chadwick Pictures, and Jerome Storm, director, in connection with the \$250,000 plagiarism suit brought against WB by Harry Armstrong and Richard H. Genard, composers of 'Sweet Adeline.' Plaintiffs charge Warners infringed on their song in the making of the picture of the same name.

Warners contend the Chadwick outfit had used the title for a picture prior to its production but no suit resulted.

GB ENJOINS FRENCH VERSION OF 'MR. HOBBO'

Gaumont-British stopped the Belmont, New York, from exhibiting the French production, 'Rottschild,' last week on the ground that GB owns all the rights to material which it bought when it produced 'Mr. Hobbo' with George Arliss.

Included in the deal, Gaumont is an agreement with the author that the French version of 'Rottschild' would not be distributed in the U. S.

\$200,000 Lawsuit Against RKO White Plains House

The White Plains-Hamilton Corp., operators of the RKO-White Plains theatre, White Plains, N. Y.; RKO Film Booking Corp. and the RKO Service Corp. were named defendants yesterday (Tuesday) in a suit filed in N. Y. supreme court by the H. S. Sonn, Inc., owners of the theatre property, to recover \$200,000 which it is claimed the defendants owe under a long-term contract on the property. Under the agreement entered into in 1925, according to the plaintiff, the defendants agreed to pay \$40,000 yearly rental besides turning over 50% of the net profits. It is contended that the defendants have refused to permit the plaintiff to audit the books of the White Plains-Hamilton Corp., to determine the exact amount of profits earned by the theatre.

It is also charged that in order to lower the book value of the profits, the RKO subsidizes the theatre operating outfit to increase the theatre's expenses by overcharging on pictures supplied by RKO.

Grainger's Rep Drive

A fall sales drive dedicated to James R. Grainger, v.p. and general sales mgr., starts for Republic next Monday (7) and continues for several weeks to Dec. 17. Details on the push were set Monday (31) in New York at a meeting attended by all of Rep's five district managers as well as Grainger, Herbert J. Yates, Morris Goodman, Claire Hilgers and others.

Under the new contracts which Rep franchise-holders now have with Rep, bonuses are provided for best results shown and these will apply during the sales drive.

Brown Quits Cinecolor

Hollywood, Nov. 1. Howard C. Brown, one of the founders of Cinecolor, resigned as v.p. and director. For the past two years he has been head of the sales force.

After a six-week vacation, Brown will announce a new affiliation.

SAG MAKES IT HOT FOR METRO'S ICERS

Hollywood, Nov. 1.

National Ice Amuse. Co. was brought to task by the Screen Actors Guild for ducking straight-time pay, pay scale for 50 in the troupe now making Ice Follies at Metrol. Skaters are contracted at \$50 weekly for exhibitions and on the basis of \$75 weekly for film work, only for the actual time before cameras.

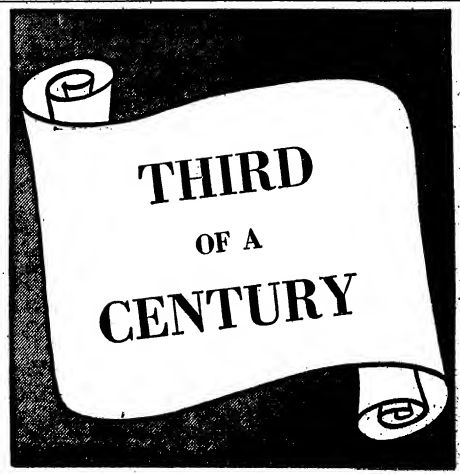
Guild crackdown guarantees them a straight \$75 per week Metro is paying National Ice \$10,400 weekly.

SHIRLEY'S MA INDISPOSED

Hollywood, Nov. 1.

Work on 'Little Princess' at 20th-Fox is held up awhile until Shirley Temple's mother recovers from a throat ailment.

Moppet doesn't work unless her mother is on the set with her.



Sunny Side Up in L.A., 'Suez' Wham \$29,000; 'Rat' OK 22½¢, 'Take It' 5th Record Wk., 'Drums' Long Roll

Los Angeles, Nov. 1. Few newcomers this week were more than holding their own at the boxoffice, but the surprise locally is strength displayed by holdovers. In the first category, 'Suez' (20th) is piling up \$29,000 combined take at Loew's State and Chinese. 'Brother Rat' (WB) will account for close to \$22,500 at the Warner day-date houses, and the Orpheum, with a new screen bill and four Bowes unit on stage, will do better than average.

Of the holdovers, 'You Can't Take It With You' (Col) has the town in an uproar by its strength. Current is fifth stanza for the Frank Capra opus at RKO and Pantages, with fourth week's take less than \$2,000 under third week, and fifth stanza headed for a much profit, but sixth week will start, probably of four days' duration.

'Drums' (UA) is in fourth week at Four Star. Paramount is holding over the Bob Burns opus, 'Arkansas Traveler' for four days on second week to good returns.

Estimates for This Week
Chinese (Grauman-F-WC) (2,024; 30-40-55-75) 'Suez' (20th). Solo billing for this one resulting in \$13,000. Last week, 'Stablemates' (M-G) and 'Vacation Love' (M-G), okay \$10,000 as expected.

Downtown (WB) (1,800; 30-40-55-65) 'Brother Rat' (WB) and 'Broadway Musketiers' (WB), dual. Should have no trouble hitting lucrative \$11,500. Second-final week of 'Sisters' (WB) and 'Road Reno' (U), about \$6,000, good.

Four Star (F-WC-UA) (900; 40-55) 'Drums' (U) (4th wk). Showing continued strength and should have no trouble hitting profitable \$2,100, after third week wound up with \$3,500 in the first.

Hollywood (WB) (2,756; 30-40-55-65) 'Brother Rat' (WB) and 'Broadway Musketiers' (WB), dual. RKO slightly behind its day-date. Downtown, but should wind up with profitable \$11,000. Last week, 'Sisters' (WB) and 'Road Reno' (U) (2d-final), very good \$7,200.

Paramount (Par) (3,595; 30-40-55-65) 'Arkansas Traveler' (Par) and stage show (2d wk). Holding over for five days for good returns. First week ended with satisfactory \$15,000. RKO (2,872; 30-40-55) 'Can't Take It' (Col) (5th wk). Fifth week started out better than fourth, which brought very big \$9,400 and present stanza should account for \$7,500.

State (Loew-Fox) (2,414; 30-40-55-75) 'Suez' (20th). Holding over and will wind up with net \$16,000. Last week, 'Stablemates' (M-G) and 'Vacation Love' (M-G), very good \$14,000.

United Artists (F-WC) (2,100; 30-40-55) 'Stablemates' (M-G) and 'Vacation Love' (M-G), dual. Move-over of this brace for continued run. Run will bring in about \$2,300. Last week, 'Antoinette' (M-G), on moveover, satisfactory \$3,000.

Whitely (F-WC) (2,266; 30-40-55-65) 'Stablemates' (M-G) and 'Vacation Love' (M-G), dual. Beery-Rooney combo heading this bill for net \$4,200 on moveover. Last week, 'Antoinette' (M-G), okay \$4,200.

'Sisters' on Port. Dual Good \$6,000; 'Wings' 5½¢
Portland, Ore., Nov. 1. 'Too Hot to Handle,' at Parker's UA, was so strong last 24 days as to warrant a winning third week 'Stablemates,' at the Broadway, also in the big money.

'Men With Wings' at the Orpheum is a winner. The Hamrick-Overgreen Paramount is also doing a bonanza biz with 'The Sisters.'

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40) 'Stablemates' (M-G) (2d wk). Good \$4,500. First week strong \$6,800.

Mayfair (Parker-Overgreen) (1,500; 30-35-40) 'Boy Meets Girl' (WB) and 'Boogie Woogie' (Parker). Clicking nicely for good \$4,600. Last week 'Boy Town' (M-G) and 'Freshman Year' (U) ended a seven-week run with good \$2,300. First six weeks grossed better than \$24,000.

Orpheum (Hamrick-Overgreen) (1,800; 30-35-40) 'Men Wings' (Par)

Broadway Grosses

Estimated Total Gross
This Week \$273,400
(Based on 12 theatres)
Total Gross Same Week
Last Year \$317,700
(Based on 13 theatres)

and 'Always Trouble' (20th). Okay \$5,500. Last week 'Arkansas Traveler' (Par) and 'Sister' (Par), better than average \$4,800.

Paramount (Hamrick-Overgreen) (3,000; 30-35-40) 'Sisters' (WB) and 'Touchdown Army' (Par). Winning \$6,000, good. Last week 'Can't Take It' (Col), closed heavy second week with \$2,500.

Broadway (Indie) (1,100; 20-25) 'Tropic Holiday' (Par) and 'Fast Company' (20th) (revivals). Average at \$1,800. Last week 'Hoosier Schoolboy' (Mono) and 'Woman Against Women' (WB), fair \$1,600.

United Artists (Parker) (1,000; 30-35-40) 'Hot Handle' (M-G) (3d wk). Nice \$4,000. Second week strong \$5,300. First week big \$7,200.

DUAL 'CITADEL' IN K. C., FAIR AT \$9,000

Kansas City, Nov. 1. In contrast to last week, strong films are current in four houses, with other two first-runs more than holding their own. 'Sisters,' at Newman, 'Brother Rat' at Orpheum, and 'Suez,' day-and-date in Esquire and Uptown, are all showing very gratifying returns.

'Citadel,' at Midland, is limited by its class appeal, but being average. Tower, with Gene Autry and El Brendel as stage attractions, getting \$10,000, only middlin' here. Heavy kid play over weekend helped.

Temp. again registering in the 70's.

Estimates for This Week
Esquire (Fox-Midwest) (820; 10-25-40) 'Suez' (20th). In the top bracket at \$4,000. Last week, second of 'Certain Age' (U), \$3,500, very good and only slightly under opening week.

Midland (Loew's) (3,573; 10-25-40) 'Citadel' (M-G) and 'Girl's School' (U), dual. Appeal is more to carriage trade, but slightly over average at \$9,000. Last week, 'Listen Darling' (M-G) and 'Flight Famed' (Col), cut short after six days to set house on Thursday openings for coming holidays; \$6,500 barely average.

Newman (Paramount) (1,900; 10-25-40) 'Sisters' (WB). Looking to healthy \$7,000. Last week 'Arkansas Traveler' (Par) in its hold over, okay \$5,000.

Orpheum (RKO) (1,500; 10-25-40) 'Brother Rat' (WB). Should wind up around \$7,000, very nice. Last week, \$6,500.

'Rat,' Beery-Rooney Good 22¢ Each, Wash. Vaude a Help; Power Fair 15¢

Washington, Nov. 1. Two vaude spots are battling it out this week, with 'Brother Rat' at Earle, and 'Stablemates,' at Capitol, nip and tuck. 'Suez' was tossed into Palace one day early, when 'Too Hot to Handle' began to slip, but failing to pick things up to more than bare average.

Everything else is a holdover, with 'You Can't Take It With You' still the big sensation. Pic did two weeks at Earle, two at Met, stepped out for revival of 'Little Women,' which flopped in three days, and moved back to bring week up to par.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40-66) 'Stablemates' (M-G) and 'Vacation Love' (M-G), dual. Vaude. Paul Hannon and George Beatty stage heads, toward nice \$22,000. Last week 'Sinners' (Par) and 'vudee' dropped sharply to finish with disappointing \$17,500.

Columbia (Loew) (1,243; 25-40) 'Brother Rat' (WB) (2d wk). Rushed into repeat spot immediately after

week, 'Miss Manton' (RKO), fair \$3,300.
Tower (Fox-Midwest) (2,050; 10-25-40) 'Smashing Racket' (RKO) with Gene Autry and El Brendel headlines on stage. Heavy juve patronage over weekend. Looks to total around \$10,000, acceptable. Last week 'You Can't Take It With You' and Yolanda heading stage show, \$9,000, fair.
Uptown (Fox-Midwest) (1,200; 10-25-40) 'Suez' (20th). In keeping with recently hit 'Smashing Racket,' Uptown joint policy; \$4,100, good. Last week, 'Certain Age' (U), second stanza, \$3,800, nice.

16,000 Teachers Give Indpls. B.O.; 'Suez' OK \$9,500

Indianapolis, Nov. 1. Annual convention of state teachers' association brought 16,000 schoolmarm to town and they zoomed through grosses. Standees were in evidence at virtually all the first-run houses Thursday, Friday and Saturday as a result of the teachers' meetings.

Business is well-distributed among the theatres, with 'Suez,' at Indiana, 'Citadel,' at Loew's, and 'Brother Rat' plus vaude, at Lyric, sharing honors as the best grossers of the week.

Circle, with 'Mad Miss Manton' and 'Five of a Kind,' trailing with moderate take.

Estimates for This Week
Apollo (Katz-Dolle) (1,100; 25-30-40) 'Sisters' (WB) and 'Annabel' (RKO). Moved over from Indiana for second week. Poor \$2,500. Last week, holdover session of 'Certain Age' (U) and 'Freshman Year' (U), modest \$3,000.

Circle (Katz-Dolle) (2,800; 25-30-40) 'Miss Manton' (RKO) and 'Five of a Kind' (20th). Stanwyck and Fonda featured big in ads with Dionne pic almost buried; \$5,500, barely fair. Last week, 'Arkansas Traveler' (Par) and 'Touchdown Army' (Par), okay \$6,400.

Indiana (Katz-Dolle) (3,100; 25-30-40) 'Suez' (20th). Doing very strong biz with indie, \$9,500. Last week, 'Sisters' (WB) and 'Annabel' (RKO), reopened long shuttered house with take of \$7,600, good.

Loew's (Loew's) (2,400; 25-30-40) 'Citadel' (M-G) and 'Girl's School' (Col). Former picture attracted school teachers; \$7,500, okay. Last week, 'Stablemates' (M-G) and 'Vacation Love' (M-G), sock \$9,800.

Lyric (Colson) (1,900; 25-30-40) 'Brother Rat' (WB) and vaude. Film stressed over stage bill that has no names; \$10,100, very nice. Last week, 'Broadway Musketiers' (WB) and vaude headliner, Pepper Martin's Mucdats of baseball, weak \$7,200.

B'KLYN VAUDE BIG
Morris-Davis 'Probation' Clicking Profitable \$15,000

Brooklyn, Nov. 1. Most satisfying flicker attraction here in a long time has been 'You Can't Take It With You,' which this week entered its third and final stanza at Fabian's Paramount. Pic has been holding up sensationally big \$22,000. Last week 'Garden Moon' (WB) and Stroud Twins, which went vaude last month, will come out ahead this week.

At RKO Albee, management serving 'horror' revivals; 'Dracula' and 'Frankenstein,' and using plenty

week stay at Capitol and should get over \$4,000. Last week 'Spawn' (Par) (2d run), fair \$3,800.
Earle (WB) (2,216; 25-35-40-66) 'Brother Rat' (WB) and vaude. Film and Herbie Kay's orch should pull big \$22,000. Last week 'Garden Moon' (WB) and Stroud Twins, which went vaude last month, will come out ahead this week.

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Football Mobs Strangle Pitt B.O.s; Bartholomew-'Get' Only Fair \$18,000

Key City Grosses

Estimated Total Gross
This Week \$1,574,700
(Based on 28 cities, 176 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Week \$1,585,300
(Based on 24 cities, 170 theatres)

newspaper and outdoor advertising space.

Estimates for This Week
Albee (3,274; 25-35-50) 'Dracula' (U) and 'Frankenstein' (U). Bar, cards campaign staged in dailies, car crash and other outdoor advertising, defying citizens to come and see these dualers. Reaction satisfactory to tune of fair \$14,500. Last week 'Room Service' (RKO) and 'Personal Secretary' (U), profitable \$19,000.

Fox (4,089; 25-30) 'Juvenile Court' (Col) and 'Down Arkansas' (Rep). Looks to get nice \$16,000. Last week 'King Alcatraz' (Par) and 'Sons Legion' (Par), nice \$17,000 in 10-day stay.

Met (3,618; 25-50) 'Youth Fling' (U) and 'Freshman Year' (U). Dropping to weakish \$12,000. Last week 'Hot Handle' (M-G) and 'March of Time' (2d wk), corking \$15,000.

Paramount (4,128; 25-50) 'Can't Take It' (3d wk). This week nifty \$18,000. Last week, second, swell \$22,000.

Strand (2,870; 25-50) 'Girls Probation' (WB) and vaude, featuring Wayne Morris and Johnny (Scat) Davis. Picture-flesh policy continues to please populace, in block to tune of \$15,000. Last week 'Broadway Musketiers' (WB) and vaude, peachy \$13,500.

'WINGS' FLYING HIGH IN HUB, \$22,000

Boston, Nov. 1. Business is okay here. 'Men with Wings' and 'Can't Take It With You' are leading the parade for new product, and 'Certain Age' holds over with 'Double Happiness' (U). Last week, dual bill, is satisfactory in third week.

A surprise holdover is the revival dual of 'Dracula' and 'Frankenstein' at the Keith Boston, subsequent-run houses. 'Moonlight' (Sonata) with Paderewski, ends a six-months' run at the Fine Arts Wednesday (2).

Midnight jitterbug contest, followed by general dancing on the stage, at the Keith-Boston (27) at the Keith-Boston, but dropped after one night when audience refused to get into the spirit. Gag was hangover of whammy jitter jambores 'Double Happiness' (U). Last week, winners of contest being booked for the Club Mayfair and the theatre.

Estimates for This Week
Fenway (M&P) (1,332; 25-35-40-55) 'If King' (Par) and 'Moto' (20th), dual. Brought in after two weeks at the Met and holding up okay, around \$8,500. Last week, 'Garden Moon' (WB) and 'Girls Probation' (WB), double, tepid \$6,200.

Keith Metropolitan (RKO) (2,907; 25-35-40-55) 'Certain Age' (U) and 'Dancing' (RKO) (2d wk). Aiming at pleasing \$15,000. First week big \$21,000.

Metropolitan (M&P) (4,367; 25-35-40-55) 'Men Wings' (Par) and 'Road Reno' (20th). Looks like smash \$22,000. Last week 'If King' (Par) and 'Moto' (20th) (2d week), okay \$13,000.

Orpheum (Loew) (2,900; 25-35-40-55) 'Take It' (Col) and 'Vacation Love' (M-G). About \$20,000, good. Last week, 'Hot Handle' (M-G) and 'Girl's School' (Col) (2d week), good \$13,800.

Paramount (M&P) (1,797; 25-35-40-55) 'If King' (Par) and 'Moto' (20th). Third week in town, showing stamina at \$10,500, good. Last week, 'Garden Moon' (WB) and 'Girls Probation' (WB), adequate \$8,300.

Seollay (M&P) (2,538; 25-35-40-55) 'Strait Place' (Par) and 'Garden Moon' (WB) (2d run). Headed towards good \$6,000, or better. Last week, 'King Alcatraz' (Par) and 'Arkansas Traveler' (Par) (2d run), \$5,200.

State (Loew) (3,600; 25-35-40-55) 'Can't Take It' (Col) and 'Vacation Love' (M-G). Very healthy at \$15,000. Last week, holdover of 'Hot Handle' (M-G) and 'Girl's School' (Col), okay \$9,500.

Pittsburgh, Nov. 1. Lot of excitement in town, but little to show. The Fordham football game drew 77,000, and packed the city with out-of-towners, but they weren't interested in films and went after more violent forms of entertainment. In fact, traffic jams were so bad they kept a lot of the regulars away from the downtown area and big generally took it on the chin.

Got back to normal yesterday (31), however, but that was a little too late to dent the sluggishness. Nothing much anywhere. Fredrick Bartholomew in person at Stanley with 'Hard to Get' doing ordinary biz, while 'Sing, You Sinners,' at Penn, is not staggering along, despite excellent notices. Second and packer that 'Certain Age' at Alvin will do just a bit better than opening stanza's take. Fulton, surprisingly enough, only not going anywhere and with two weakies, 'Men Arise' and 'Smashing the Rackets.'

Estimates for This Week
Alvin (Harris) (1,850; 25-35-50) 'Certain Age' (U) (2d wk). 'Suez' (20th) opening Thursday (3) for a run. Durbin flicker isn't setting the house on fire, but he will do well enough at close to \$7,000. On top of \$12,000 last week, that's not bad, although somewhat under what young singing stars' pictures have done so far.

Fulton (Sherride) (1,750; 25-40) 'Men Fools' (WB) and 'Smashing Rackets' (RKO). No accounting for brisk speed at which this twinner shoved off, but should come with \$5,000, which is not bad. Last week, 'Sailor' (Par) and 'Buildup Drummond' (Par), poor \$3,600.

Penn (Loew's-UA) (3,300; 25-35-50) 'Sinners' (Par). Well-liked and good consistency. Last week, by get his best, but crooner has always been just a fair draw here and this one's no exception. Pace indicates \$11,700, fair. That's just about what 'Sisters' (WB) did last week.

Stanley (WB) (3,600; 25-40-60) 'Hard Get' (WB) and Bartholomew on stage. With Dick Powell on screen and Bartholomew on stage, combo is pretty saleable in these parts and under ordinary conditions might go somewhere. Not at the moment, however, with the town football-nutz. Looks like \$18,000, just fair. Last week Ted Lewis proved the consistency of his act by getting close to \$24,000 with 'Arkansas Traveler' (Par).

Warner (WB) (2,000; 25-40) 'King Alcatraz' (Par) and 'Annabel' (RKO). Maybe \$4,000, which is just about what 'Double Happiness' (U) and 'Stablemates' (M-G), moving here after big week at Penn, did all right at \$5,700.

Teachers Also Invade Lincoln; 'Suez' \$3,500

Lincoln, Nov. 1. With the biggest assembly of schoolmarm in town, 4,100 of them conventioning over the weekend, 'Suez' is hammering home a big biz, is up. 'Suez' is hammering home in good shape, and so is 'Garden of Moon.' Even 'Sing, You Sinners,' with light ad pressure, is taking care of itself.

Colonial, for first time since joining the Nebraska Theatres, Inc., string, went first-run Sunday (30) and will oppose the J. H. Cooper days, and get a good \$500, so-so. Has been second-running.

Estimates for This Week
Colonial (NTI-Noble) (750; 10-15-20) 'King Sierras' (Rep) and 'Highway Patrol' (Col). Short run, four days, will get \$500, so-so. Has been second-running.

Kiva (NTI-Noble) (440; 10-25-40) 'My Heart' (UA). Moved from Varsity; \$1,000, good. Last week, second for Algiers (UA), slim \$500.

Liberty (LTC-Cooper) (1,200; 15-20-25) 'Meet Girls' (WB) and 'Moto' (20th), split with 'Happy Landing' (20th) and 'Old Mexico' (Par). Good enough, \$1,600. Last week, 'Guilty Trails' (U) and 'Little Women' (RKO), split with 'Fiddlin' Buckaroo' (U) and 'Blind Alibi' (RKO), \$1,000.

Lincoln (LTC-Cooper) (1,000; 10-25-35) 'Suez' (20th). Here for eight days, went to move to the top. Okay at \$3,500. Last week, 'Co-Ed' (20th) and 'Murder' (20th), raised the house from the doldrums, \$2,900.

Orpheum (LTC-Cooper) (1,350; 10-15-25) 'My Bill' (WB) split with 'Beloved Wife' (WB) and 'Sinners' (WB). Last week, 'Racket Busters' (WB), four days, all right, \$800.

Stuart (LTC-Cooper) (1,900; 10-25-40) 'Sinners' (Par). Fair \$3,700. Last week, 'Hot Handle' (M-G), fair \$3,800.

Varsity (NTI-Noble) (1,100; 10-25-40) 'Garden Moon' (WB). Should reach good \$3,000. Last week, 'My Heart' (UA), \$2,400, fair.

Six of 7 H.O. in Chi, But Grid Mobs Give 'Em B.O.; 'Sis'-Tucker Big \$38,000, 'Speed'-Vaude \$12,000

Chicago, Nov. 1. With strong week-end runs due to the influx of football fans for important Big 10 games, the loop these days has a solid box office foundation that gets the houses away to a powerful start. Plenty of hold-overs, however, figure to bog down the latter half of the stanza. Of the seven houses, six are running repeat items. Chicago switched pictures, showing in 'Sisters' as replacement for 'The Wer King', but holding the Orrin Tucker orchestra on the stage for second week.

Deanna Durbin has proved dynamite for the Palace, and goes into third week there with 'Crown Age'. Opinion is that it's the weakest of the moppet's flickers, but it has a draw that has fannies returning for second and third visits to the house.

Another youngster, this is box office power is Mickey Rooney, who has 'Boys Town' pounding out a strong fourth week in the United Artists. And the juveniles are hot, as Sabu in 'Drums', at the Apollo for second week.

While the Rooney rep is hot, Balaban & Katz will bring 'Stablemates' into the Roosevelt a few days later to take the place of the current 'Too Hot to Handle'.

Estimates for This Week
 Apollo (B&K) (1,200; 35-55-65-75) —'Drums' (UA) (2d wk). Holding to \$4,500 currently after smashing solid \$6,400 last week.
 Chicago (B&K) (4,000; 35-55-75) —'Sisters' (WB) and Orrin Tucker orch on stage. Another strong session for the loop's biggest house, going to \$38,000. Last week 'If King' (Par) and Tucker orch stumbled somewhat in midweek to finish with \$36,200, but still highly satisfactory.
 Garrick (B&K) (900; 35-55-65) —'Can't Take It' (Col). Back in loop, and will garner \$5,000, good. Last week 'Frankenstein' (M-G) (2d wk). 'Dracula' (U), horror combo turned in a powerful \$14,000 in 10-day gallop.
 Palace (RKO) (2,500; 35-55-65-75) —'Certain Age' (U) and vaude (3d wk). Will make a record for great sessions to excellent \$15,000, after garnering great \$19,800 last week.
 Roosevelt (B&K) (1,500; 35-55-65-75) —'Hot Handle' (M-G) (2d wk). Will make a record for great sessions to excellent \$15,000, after garnering great \$19,800 last week.
 State-Lake (Jones) (2,700; 25-35-45-55) —'Speed to Burn' (20th) and vaude. Only new line-up of attraction on stage, but still a strong profit at \$12,000. Last week about the same for 'Girl's School' (Col) and vaude.
 United Artists (B&K)-UA (1,700; 35-55-65-75) —'Boys Town' (M-G) (4th wk). Pace continues bright, and will manage to hold currently to \$9,000, solid, after fine \$13,900 last week.

Seattle Wave Clicks; Tomlin-Dual, \$4,800

Seattle, Nov. 1. 'Arkansas Traveler' surprised with sufficient b. to move over to M. B., while the two winners, 'Boys Town' and 'Can't Take It', are both roaring into fifth weeks.

Garrick Chain has been putting vaude over okay at Palomar, and the recent price lift to 42c top (from 37c) has helped the b. o.

Estimates for This Week
 Blue Mouse (Hamrick-Evergreen) (1,900; 31-32) —'Alexander' (20th) and 'Bulldog Drummond' (Par). Heading for \$3,400, big. Last week 'Andy Hardy' (M-G) and 'Getaway' (20th), \$3,800.
 Colonial (Sterling) (800; 10-21) —'Dracula' (U) and 'Frankenstein' (U). Playing horror angle for all its worth. Indicate big \$2,700. Last week 'Woman Against World' (Odeon) and 'Cowboys' (Rep), four days, \$1,400, okay.
 Fifth Avenue (Hamrick-Evergreen) (2,340; 32-37-42) —'Men Wings' (Par). Slide bill policy getting quite a fling at this house in recent weeks. Anticipate excellent \$3,000 currently. Last week 'Sisters' (WB), \$5,100, slow.
 Liberty (J-VH) (1,800; 31-32-42) —'Can't Take It' (Col) (5th wk). Expect \$6,500, good. Last week, same film, \$8,100, phenomenal.
 Music Box (Hamrick-Evergreen) (850; 32-37-42) —'Arkansas Traveler' (Par), moved from Orpheum. Indicates good \$2,000. Last week 'Hot Handle' (M-G), third week, eight days, good \$2,700.
 Orpheum (Hamrick-Evergreen) (2,600; 32-37-42) —'Miss Manton' (RKO) and 'Broadway Musketeers' (FN).

(FN). Anticipate good \$5,700. Last week 'Arkansas Traveler' (Par) and 'Actress' (FN), \$8,000, big.
 Palomar (Sterling) (1,350; 16-37-42) —'City Streets' (Col) and 'Under Top' (Mono), plus Pinky Tomlin headlining vaude. Looking for excellent \$4,800. Last week 'Higgins Family' (Rep) and 'Old Moe' (Par) and vaude, \$4,400, good.
 Paramount (Hamrick-Evergreen) (3,000; 32-37-42) —'Campus Confessions' (U) and 'Campus Confessions' (U) (2d wk). Paced at \$5,000, good. Last week, same films, \$11,800, great.
 Roosevelt (Sterling) (800; 21-32) —'Tough Guy' (U) and 'Gladiator' (Col). Expect good \$2,300. Last week 'Spawn' (Par) and 'My Bill' (WB), big \$2,800.

3-R FEMS HYPO CLEVE.; 'SUEZ' BIG \$15,500

Cleveland, Nov. 1. Schoolmarm flocking in for state convention—16,000 of 'em—proved a weekend b.o. boom. Tip-top bill in all the downtown houses, particularly those with product sporting heavy femme appeal.

It's almost a tie between 'Men With Wings', at State, and 'Suez', at Hipp, both of which are smashing into good black figures. Former more adaptable to exploitation and has the edge, but the Tyrone Power-Loretta Young names in latter are plenty potent. Still vaude-less. Palace is only coasting along with 'I Am the Law' for average trade until it can line up more stage attractions.

Estimates for This Week
 Allen (RKO) (3,500; 30-35-42-55) —'Sister' (WB). Making nice showing for itself after move-over from Hipp, about \$6,000, without any help from crux. Last week, 'Certain Age' (U), good \$5,000 in second run.
 Hipp (WB) (2,700; 30-35-42-55) —'Suez' (20th). Enough power on marquee plus convention pull to wind up with \$15,500, very good. Last week, 'Sisters' (WB), \$14,000, same.
 Palace (RKO) (3,200; 30-35-42-55) —'Am Law' (WB). Rather slow, despite appeal to thrill-seekers, although \$9,000 is not so bad. 'Straight' (2d wk) and 'Drums' (2d wk) was a dud, \$6,000. Ritz Bros. demonstrating they are poison to local b. o.
 State (Loew's) (3,450; 30-35-42-55) —'Men Wings' (Par). Aerial gripper getting \$18,000. Last week, 'If King' (Par), \$14,100, good.
 Stillman (Loew's) (1,972; 30-35-42-55) —'If King' (Par). Momentum of first week still showing. Last week, worth \$7,000, worth a pat on the back. Last week, 'Sailor' (Par), \$4,000, average.

'Take It' Good \$10,000, Montl'; 'Drums' 2d OK

Montreal, Nov. 1. 'You Can't Take It With You', booked for three weeks at the Palace, is doing well and may finish with very good \$10,000. 'Drums' at Capitol, may add another \$5,000 to near-record \$11,000 last week.

Estimates for This Week
 Palace (CT) (2,700; 25-45-55) —'Can't Take It' (Col). Facing for \$10,000. Last week, second of 'Certain Age' (U), good enough \$5,000.
 Capitol (CT) (2,700; 25-45-55) —'Drums' (U) (2d wk). Shaped for nice \$6,000 currently after smashing \$11,000 last week.
 Loew's (CT) (2,200; 25-40-40) —'Moto' (20th) and vaude. Just about in black at \$6,000. Last week, 'Al and 'Cowboys' (Rep), four days, \$1,400, okay.
 Princess (CT) (2,300; 25-34-50) —'Has Nancy' (M-G) and 'Wives Espionage' (U). Good enough at \$5,000. Last week, 'Straight, Place' (20th), fair \$4,800.
 Orpheum (Ind) (1,100; 25-40-50) —'Co-Ed' (20th) and 'Gangs New York' (Rep). Last week, \$2,200, last second of 'My Heart' (UA), yanked after six days to poor \$1,800.
 Cinema de Paris (France-Film) (600; 35-50) —'La Princesse Tarakan' (2d wk). Good \$2,200. Last week, \$1,800 last week.
 St. Denis (France-Film) (2,300; 20-34) —'Aloha, les Chants des Iles' and 'Les Deux Combardins', dual. Looks like good enough \$4,500. Last week, 'La Chanson de Souvenir' and 'L'Enfant de Troupe', fair \$4,000.

First Run on Broadway

(Subject to Change)
 Week of Nov. 3.
 Astor —'Marie Antoinette' (MG) (12th wk).
 Capitol —'The Citadel' (MG). Reviewed in VARIETY, Oct. 28.
 Criterion —'Girls' School' (Col).
 Globe —'Gangster's Boy' (Mono) (5).
 Music Hall —'Young in Heart' (UA).
 (Reviewed in Current Issue)
 Paramount —'Men with Wings' (Par) (2d wk).
 Rialto —'Man with 100 Faces' (GB).
 Rivoli —'Man of Tomorrow' (RKO) (5).
 (Reviewed in Current Issue)
 Roxy —'That Certain Age' (U) (WB). Reviewed in VARIETY, Oct. 28.
 Strand —'Brother Rat' (WB) (4).
 (Reviewed in VARIETY, Oct. 19)
 Week of Nov. 10.
 Astor —'Marie Antoinette' (MG) (13th wk) (Closes 13th).
 Capitol —'The Citadel' (MG) (2d wk).
 Criterion —'Vacation from Love' (MG).
 (Reviewed in VARIETY, Oct. 5)
 Music Hall —'Young in Heart' (UA) (2d wk).
 Paramount —'Men with Wings' (Par) (3d wk).
 Strand —'Man of Tomorrow' (RKO).
 Roxy —'That Certain Age' (U) (2d wk).
 Strand —'Brother Rat' (WB) (2d wk).

Ritzes-Gypsy Rose Lee Hot \$13,000 in Denver

Denver, Nov. 1. All houses are running above average, with Gypsy Rose Lee, in person at the Denver, and 'Stablemates' at the Orpheum, the big money getters.

Estimates for This Week
 Aladdin (Fox) (1,400; 25-40) —'Can't Take It' (Col), after a week at the Denver. Strong \$4,500 and still near another \$4,000. Last week 'Certain Age' (UA), good \$4,000.
 Broadway (Fox) (1,100; 25-35-40) —'Hot Handle' (M-G) and 'Blockheads' (M-G), after a week at the Orpheum and four days here. Nice \$3,000. Last week 'Boys Town' (M-G) and 'Rich Man' (M-G), split with 'Hot Handle' (M-G) and 'Blockheads' (M-G), good \$3,500.
 Denham (Cockrill) (1,750; 25-35-40) —'King Alcatraz' (Par) and Ben Blue on stage. Fair \$7,000. Last week 'Sons Legion' (Par) with Morton Downey on stage, strong \$9,000.
 Denver (Fox) (2,525; 25-35-50) —'Straight, Place' (20th), and Gypsy Rose Lee on stage. Big \$13,000, thanks to stripper. Last week 'Can't Take It' (Col), nice \$11,500.
 Orpheum (RKO) (2,600; 25-35-40) —'Room Service' (RKO) and 'Man Remember' (RKO), split with 'Stablemates' (M-G) and 'Mr. Doodle' (RKO). Big \$8,200, with latter dual responsible for \$6,000 of total in three days. Last week 'Hot Handle' (M-G) and 'Blockheads' (M-G), split with 'Room Service' (RKO) and 'Man Remember' (RKO) fair \$7,800.
 Paramount (Fox) (2,200; 25-40) —'Four's Crowd' (WB) and 'Girls Probation' (FN). Above average \$4,000. Last week 'Drums' (U) and 'Personal Secretary' (UA), good \$4,000.
 Rialto (Fox) (878; 25-40) —'Drums' (UA), after a week at the Paramount, and 'Juvenile Court' (Col). Nice \$2,000. Last week 'Five King' (20th), after a week at each the Paramount and Aladdin and 'Convicted' (Col), fair \$1,500.

'Citadel', \$7,500, No Tonic for Detroit; 'Suez'-Vaude Big 30G, 'Wings' Nice 10G

Detroit, Nov. 1. 'Suez' and stage show leading light here at the Fox, with tone generally better throughout downtown section. 'Men with Wings', dualized with 'Garden of the Moon' at the Michigan, was accorded a big buildup, including a four-station city hookup program.

Estimates for This Week
 Adams (Balaban) (1,700; 30-40) —'Carefree' (RKO) (2d run) and 'Mr. Doodle' (RKO). Rogers-Astaire over, okay \$4,200. Last week, 'Certain Age' (U) (2d run) and 'Murder' (20th), good \$4,700.
 Fox (Indie) (5,000; 30-40-65) —'Suez' (20th) and stage show. Clipping off nifty \$30,000 for best since 'In Old Chicago' (Medicine \$18,000).

'Men with Wings'-Warnow-Scott Big \$48,000 on B'way, 'Kildare' Tepid 72G, 'Vallee'-Hot 30G, 'Suez', 'Sis' OK 3d Wk.

Business is spotty on Broadway, although the week-end brought an estimated 200,000 to town for football games and the weather was favorable. Lack of draught of several pictures is unquestionably the only excuse for the grosses they are doing, including 'Young Dr. Kildare', 'The Storm', 'Five of a Kind' and 'Touchdown Army'.

Only one of these new ones which has a stage show with it is 'Dr. Kildare', which ends a disappointing week tonight (Wed.) at the Music Hall at about \$72,000. House skins through at this figure, however, and tomorrow (Thurs.), brings in the belated 'Young in Heart'.

The other stage show houses, all of which no doubt benefited from out-of-town trade as they usually do, are doing well. Leading the flock with a new picture is the Paramount. 'Men With Wings', ably exploited and heavily advertised, with Mark Warnow, Raymond Scott Quintet, Maxine Sullivan and others in person, went to \$48,000 here on the first week ending last night (Tues.), very good. Show remains two additional weeks.

State (Hipp) has Rudy Vallee as its stage pull, 'Too Hot to Handle' as its film bait. The combination will mean \$30,000 or over on the week, very good. Other two stage show houses, Roxy and Strand, are both on final (3d) weeks of runs. 'Suez', at the Roxy, should be about \$36,000 in its third semester, excellent while the Strand, with 'Sisters' and Horace Heidt, is reaching for \$30,000, also very nice. Roxy brings in 'Certain Age' Friday (4), the Strand 'Brother Rat' and Al Donahue band, plus Hugh Hopper, the same day. Capitol is on its second (final) lap of 'Stablemates', which slips on the holdover to around \$15,000. House ushers in 'Citadel' tomorrow (Thurs.).

After another sad week with a picture called 'The Storm', under \$10,000, the Rivoli is also putting in fresh fodder, having booked 'Man to Remember' for opening Saturday (5). Globe is very disappointing with indications for only about \$6,500, though some profit, with 'Five of a Kind', and moves it to one side also Saturday (5) when 'Gangster's Boy' succeeds.

'Touchdown Army' apparently didn't arouse much interest among football fans, with Criterion lucky to get \$500 on the week with it, disappointing. Rialto on Monday night (31) previewed a new one, 'Man With 100 Faces', after two very good weeks with 'Dracula' and 'Frankenstein'. Dually, Palace goes only six days with 'Straight, Place and Show', coupled with 'Secrets of Actress', on a pace looking to around \$6,000 for the six days.

Although the gross last week (11th) for 'Antoinette' was only \$6,400, picture's run, scheduled to end Sunday night (6), has been extended an additional week, with 'Fygallion' to follow.

Estimates for This Week
 Astor (1,012; 55 \$1.10-\$1.65-\$2.20) —'Antoinette' (MG) (12th week). Last week (11th), \$6,400, with run now extended to Sunday (18).
 Capitol (4,520; 25-35-55-65-75-85) —'Stablemates' (RKO) (2d final week). Pushed to around \$30,000 on the first week, but sliding on holdover to \$15,000. On the 14 days satisfactory rating, the M-G (WB) opens tomorrow (Thurs.).
 Criterion (1,682; 25-40-55) —'Touchdown Army' (Par). A timely booking, but not a grosser; only about \$6,000. Signs mild slump. Last week 'Girls on Probation' (WB), \$7,000.
 Globe (1,274; 25-40-55) —'Five of a Kind' (20th). Dionne no shakes in their latest at pace of no more than about \$6,500, profit here, but quite a profit. Last week, 'Suez', \$11,000. (final) week for 'Dark Rapture' (U) house of a money-maker, \$7,100.
 Palace (1,700; 25-35-55) —'Straight, Place' (20th) and 'Secrets of Actress' (WB), both 2d run, dualized. This show (6) days only \$6,000, and out, being replaced today (Wed.) by 'Always Trouble' (20th) (1st run) and 'Room Service' (RKO) (2d run). Last week 'Co-Ed' (20th) and 'Vallee' (20th) (WB) both 2d run, teamed, \$7,700, fair.
 Paramount (3,664; 25-35-55-65-99) —'Men With Wings' (Par), and in person, Mark Warnow band, Raymond Scott Quintet, Maxine Sullivan and others (2d wk). Starts on holdover today (Wed.) after pushing through to fine \$46,000 first seven days. Show is in for total of three and a half weeks. Last week, 'If King' (Par) and the Tommy Dorsey-Connie Boswell combination, was \$35,000, dandy. On the four weeks' run this show got an amazing \$202,000, tremendous.
 Radio City Music Hall (5,980; 40-60-84-90-\$1.65) —'Dr. Kildare' (M-G) and stage show. First Metro picture ever to play here not doing anywhere near what was expected, but at least \$12,000. Last week 'Mad Miss Manton' (RKO) also very disappointing, \$68,000. 'Young in Heart' heavily touted, opens tomorrow (Thurs.).
 Rialto (750; 25-40-55) —'Man With 100 Faces' (GB). Opened here Monday night (31) after two weeks of 'Dracula' (U) and 'Frankenstein' (U) (reissues), dualized, first week being \$12,000, the second \$7,000.
 Strand (2,050; 25-40-55-65) —'Storm' (U). Another one-weeker that means nothing; under \$10,000 is the answer. Last week 'Service De Luxe' (U), less than \$12,000. 'Man to Remember' (RKO) opens Saturday (5).
 Roxy (5,838; 25-40-55-75) —'Suez' (20th) and stage show (3d final week). Picture has not benefited exceptionally from word-of-mouth, but is turning in a handsome profit here just the same on a three weeks' run. This week (3d), \$38,000; last week (2d), \$50,000; first week, \$61,000. 'That Certain Age' (U) debuts Friday (3).
 Strand (2,767; 25-35-75) —'Sisters' (WB) and Horace Heidt' (3d final week). Most powerful b. o. show to date here, house gross, last week, \$30,000; looks \$30,000 or close, after a second week's play of \$38,000 and a first seven days' business of \$46,800, big profit.
 State (4,550; 35-55-75) —'Too Hot to Handle' (M-G) (2d run) and Rudy Vallee. Combined draught of Gable-Loy star and Vallee means \$30,000 or above that, very good. Last week 'Spawn' (Par), after strong making at the Paramount, and the Schnickelritz band, plus Benny Baker, only \$14,000, red.

'Citadel', \$7,500, No Tonic for Detroit; 'Suez'-Vaude Big 30G, 'Wings' Nice 10G

for 'Carefree' (RKO) and stage show last stanza.

Michigan (United Detroit) (4,000; 30-40-55) —'Men With Wings' (Par) and 'Garden of the Moon' (FN). Former flicker backed heavily on special radio show; figures to pick up good \$10,000. Last week, 'Listen Darling' (M-G) and 'Vacation Love' (M-G), okay \$8,500.

Falms - State (United Detroit)
 (3,000; 30-40-50) —'Giants' (WB) plus 'Kid' (Rep). Figures for good \$4,800. Last week 'Hot Handle' (M-G) (2d run) and 'Wander Police' (Mono). Former flicker moved here after two big sessions at UA, good \$5,000.

United Artists (United Detroit)
 (2,000; 30-40-50) —'Citadel' (MG). About \$7,500, disappointing. Last week 'Drums' (UA), also n.g. at \$7,300.

Philly Now Discriminating; 'Citadel' Great \$18,000, but 'Manton' Blah 9G

Philadelphia, Nov. 1. Strictly a case of ultra-careful selection of pictures by patrons of the Philly deluxers this week. Good films are doing very good, while those that are weak are getting correspondingly weak returns. There's a wider gap between top and bottom grosses this turn, excluding the Earle, than has been seen here in months.

Topping the town for strength, and gaining as much by word-of-mouth as by critics' praise, is "The Citadel" at the Boyd. It's powerful at \$18,000, certain of at least one more lap around. On the other hand, there's "Mad Miss Manton" at the Fox, which is getting extremely meagre \$9,000, lower than a mid-summer dud. "Suez" at the Stanley, which got poor notices, is nevertheless showing out better than \$17,500.

Estimates for This Week
Aldine (WB) (1,303; 37-57-68-75)—"My Heart" (UA) (2d wk). No wise merit this second lap after poor \$10,300 in the opening turn, but forced by lack of UA product for the exchange's showcase. Getting very skimpy \$7,000, presently.
Boyd (WB) (2,350; 37-57-68-75)—"Citadel" (M-G). Good reviews plus excellent word-of-mouth lending this one hefty draft for strong \$18,000 and ticket on another ride. "Listen Darling" (M-G) last week, up at \$11,200, despite plugging it got by presence of Freddie Bartholomew at the Earle.

Earle (WB) (2,758; 25-37-42-57-68)—"Five Kind" (10th). Henry Busse and Ella Logan on stage. Started out well, but slipping pretty badly to \$18,000. Last week "Fool Thing" (U), with Freddie Bartholomew and Herbie Kay on boards, likewise n.s.h. at \$19,000.

Fox (WB) (2,425; 37-57-68-75)—"Miss Manton" (RKO). Everyone seems to be mad at Miss Manton and she's pretty close to an all-time Fox low at \$9,000. Last week "Arkansas Traveler" (Par), likewise poor at \$9,800.

Karlton (WB) (1,068; 37-42-57-68)—"Can't Take It" (Col) (2d run). Continuing splendid gait here at better than \$6,000. Last week "Sisters" (WB) (2d run) highly profitable with about \$7,000.

Keith's (WB) (1,870; 37-42-57-68)—"Stables" (M-G). Unusual situation makes this actually third run, already having played twice. Stanley to good biz and then the ordinarily first-run Stanton to excellent returns. Now doing satisfactorily at better than \$6,000. Last week, "Certain Age" (U) (2d run), good at \$4,700 after two nice weeks at Fox.

Stanley (WB) (2,916; 37-57-68-75)—"Rat" (20th). Slapped down by the box, this one bobbing right up again to lush \$17,500. Last week "Can't Take It" (Col), got only five days of a second run, but managed to get the house back on a Wednesday opening policy. Garnered swell \$10,200.

Stanton (WB) (1,437; 26-42-57)—"Girls Probation" (WB). Unexpected, but pleasant, at better than \$5,000. Last week "Stables" (M-G), powerful \$6,000 on continuation of first-run from Stanley.

'RAT' AT \$15,000, LOUD IN BALTO.

Baltimore, Nov. 1. Decided spurt all over town this week, with strong product the probable answer. Utilizing the spacious capacity of the Stanley to good stead, "Brother Rat" is leading the prosperous parade, with "Room Service" and "The Citadel" close behind. "Suez" is off to a halting start and only fair since.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-25-35-40-55)—"Citadel" (M-G) plus musical stage, by D'Artega getting a steady play to okay \$13,000. Last week, "Listen Darling" (M-G), way off at \$5,100.
Hippodrome (Rappert) (2,205; 15-25-35-40-55-60)—"Room Service" (RKO) and vaude headed by Stroud Twins. Hitting it off in good style to okay \$12,000. Last week, "Girls School" (Col), thanks to home-town p.p. of Chick Webb and Ella Fitzgerald, brought them out in rousing fashion to big \$17,400.

Keith's (Schneider) (2,460; 15-25-35-40-55)—"King of the Ritz" (Par). Opened yesterday (Mon.) after 16 days of "Certain Age" (U) to excellent total of \$18,900.
New (Mechanic) (1,558; 15-25-35-55)—"Suez" (WB) (2d run). Expectations; \$4,500, just fair. Last

week, 10 days of "Five Kind" (20th), poor \$3,100.
Stanley (WB) (3,250; 15-25-35-40-55)—"Brother Rat" (WB). Leading the week's parade with socko \$15,000 and a second week already in the bag. Last week, "Arkansas Traveler" (Par), held up nicely to fairish \$6,900.

Heat Hits L'ville; 'Suez' Good 9G, 'Citadel' \$8,500

Louisville, Nov. 1. Holdover of phenomenal Indiana summer weather is not conducive to film h.o.s. currently. "Birth of Baby" finally arrived in town, but attention hardly up to expectations. "Suez" is a little better than average at the Ritz, and "Five of a Kind" at the Strand plenty hot at matinees, but nights are slow.

High school and college football garnering more patronage this year than in former seasons, and competition not helping the downtown houses. Opening of fall race meet at Churchill Downs and pro tennis match between Hagen Jacobs and Alice Marble Saturday (29) also hurt theaters.

Estimates for This Week
Brown (Loew's) (Fourth Ave.) (1,000; 15-30-40)—"Citadel" (M-G) and "Vacation Love" (M-G). Had okay week at Loew's State short time ago and return date may tab fair \$2,000. Last week, "Can't Take It" (Col) maintained strong pace for \$2,000 in downtown stanza, winding up with \$2,500.
Kentucky (Swift) (900; 15-25)—"Am Law" (Col) and "Always Woman" (Col) split with "Bengal Lancer" (Par) and "Sailor" (Par). Bright \$1,900. Last week, "Spawn" (Par) and "Keep Smiling" (2d run), average \$1,700.

Loew's State (Loew's) (3,100; 15-30-40)—"Citadel" (M-G) and "Girls School" (Col). Received the nod from critics and bringing some class trade. Opened one day early (Thurs.) and split with \$8,500. Last week, "Listen Darling" (M-G) and "Flight Fame" (Col), yanked after six days to poor \$4,800.
Mary Anderson (Lison) (1,000; 15-30-40)—"Birds" (WB) (Indie). Pace slower than anticipated. Exploitation dignified and steering away from anything sensational. May hold, with opening market expected. Last week, "Sisters" (WB) on h.o. stanza, well above estimate at \$3,400, fine.

Ohio (Settos) (900; 15)—"Paradise Isle" (Col) and "Hell Divers" (M-G) split with "Missing Girls" (Mono) and "First Lady" (WB). Perking to okay \$1,400. Last week, "Expensive Husbands" (WB) and "Boy Streets" (WB) split with "Star Line" (UA) and "West Shanghai" (WB), average \$1,300.
Rialto (Fourth Ave.) (3,000; 15-30-40)—"Suez" and March of Time. Expensive, but strong, marquee names, but cricks lukewarm. Will fall short of mark set by strong product house has been showing during past month, but pacing ramp \$9,000. Last week, "Arkansas Traveler" (Par) and "Touchdown Army" (Par), robust \$10,000.
Strand (Fourth Ave.) (1,400; 15-30-40)—"Five Kind" (20th) and "Mr. Doodle" (RKO). Pictorial record of life in the day of the quints pulling hefty matinee trade, but night traffic on the light side. Should round out for good \$4,000. Last week, "Dracula" (U) and "Frankenstein" (U) proved winner to tune of profitable \$6,000 in eight days.

OMAHA CHEERY
"Suez" Very Strong \$12,500—"Drac"—"Frank" Scarer, \$6,500
Omaha, Nov. 1. "Suez" at the Orpheum is the outstanding b. o. this week with all downtown houses reporting very satisfactory business. Orph's bill aiming at \$12,500 and may end with even better figure. Halloween spirit was hypo for week-end grosses. Orpheum had a "Suez" vs. "Frankenstein" "jitterbug jamboree" contest which may become weekly feature when pepped up considerably. A "natural" midnight show was a double-scare bill at the Strand, split with "Frankenstein" (U) States after being dark two years. House may be kept open for move-overs and trick bills, says district manager Evert Cummings. Mickey Rooney ex-appears on two days at Oklahoma City. Made two p.a.'s and

"Suez" Very Strong \$12,500—"Drac"—"Frank" Scarer, \$6,500

took an Omaha gal to the Nebraska-Missouri football game.
Estimates for This Week
Avenue—Dundee—Military (Goldberg) (950-650-810; 10-25)—"Alexander" (20th) and "Over Wall" (FN), dual, first half, split with "Wild Night" (20th), first half, "Am Law" (Col) and "Penrod's Double" (FN), tripler, last half. Headed for \$2,500, excellent. Last week "Andy Hardy" (M-G) and "Texans" (Par), dual, first half, split with "Carefree" (RKO) and "Passport Husband" (20th), dual, \$2,300, very good.
Brands (Singer-RKO) (1,250; 10-25-35-40)—"Garden of Moon" (FN) and "Secrets" (Actress) (FN), dual. Aiming at \$6,000, split. Last week "Man to Remember" (RKO) and "Anabel" (RKO), dual, \$3,200, poor.
Omaha (RKO) (2,200; 10-25-40)—"Stables" (M-G) and "Mr. Chump" (WB) (2d run). Last week, dropped off badly to \$6,000, fairish. Last week, same bill, socko \$10,500.
Orpheum (Blank) (3,000; 10-25-40)—"Suez" (20th) and "Keep Smiling" (20th), dual. Looks like terrific \$12,500, almost double house's average. Last week, "Dracula" (U) and "Blockheads" (M-G), dual, ended strong for smash \$11,100.
Paramount (Blank) (3,000; 10-15-25)—"Dracula" (U) and "Frankenstein" (U), dual, reissues. Opening bill looks good for \$8,500, dandy.
Towa (Goldberg) (1,230; 10-25-35)—"American Gangbusters" (SR), "Moto Takes Chance" (20th) and "Desperate Adventure" (Rep), first-run tripler, split with Colorado Trail (Col), first run, "Carefree" (RKO) and "Over Wall" (FN), \$1,800, very good. Last week "King Sierras" (GN), first run, "FPI" (20th-reissue) and "Life Begins" (20th-reissue), tripler, split with "Danger on Air" (U), first run, "Gladiator" (Col) and "Young Fugitives" (U), tripler, fairish \$1,500.

RUSSELL-DONAT GOOD \$13,000 IN SO-SO CINC

Cincinnati, Nov. 1. Only three major houses offering fresh releases currently and biz in the main is so-so. Top grosser is "Citadel", which is collecting a good take at Albee. Next best is "Arkansas Traveler" at the Palace. Lyric is double feature "King of Alcatraz" and "Freshman Year" to sorry returns.

Of the holdover product, "Can't Take It" is rounding out fifth and final week at the Shubert in nifty fashion. It will be followed by "Drums" (UA) for a run.

Estimates for This Week
Albee (RKO) (3,300; 35-42)—"Citadel" (M-G). Good \$13,000. Last week, "Sisters" (WB), fairly good \$11,000.

Capitol (RKO) (2,000; 35-42)—"Stables" (M-G) (2d run). Very good \$5,000. Last week, "Certain Age" (U) (2d run), pleasing \$4,500.
Family (RKO) (1,000; 15-25)—"Wanted Police" (Mono), "Under Western Stars" (Rep), "Fugitives" (Rep), "The King of Alcatraz" (U), "Sad \$3,000. Last week, "Dracula" (U) and "Frankenstein" (U) (reissues) (2d week), slow \$3,000.
Palace (RKO) (2,600; 35-42)—"Arkansas Traveler" (Par). Selling slow, but helped by well notices and building to nice \$10,000. Last week, "Stables" (M-G), socko \$16,000.

Shubert (RKO) (2,150; 35-40-55)—"Can't Take It" (Col) (5th week). Dandy \$5,000. Last week (4th), smash \$6,500.

'SUEZ' BIG \$7,000; MPTOA HYPOES O. C.

Oklahoma City, Nov. 1. MPTOA decorations all over town and star-plugging for personal appearances at Movie Ball tonight (Tuesday) setting stage for cracker-jack week-end.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40)—"Suez" (20th). Very strong week at

Mpls. Has Plenty Headaches; Durbin Big \$10,000, 'Wings' Flapping OK \$7,000

\$7,000. Last week "Hot Head" (M-G), swell \$6,900.
Liberty (Liberty) (1,300; 20-25)—"Girls Probation" (WB) and "Sky King" (RKO), split with "Crime Ring" (RKO) and "The Storm" (U), okay at \$2,300. Last week "Mr. Doodle" (RKO) and "Wives Suspicion" (U), split with "Freshman Year" (U) and "Wild Night" (20th), average \$2,300.
Midwest (Stan) (1,500; 25-35-40)—"Citadel" (M-G). Fair \$4,000. Last week "Stables" (M-G), okay \$4,500.
State (Noble) (1,100; 25-40)—"Can't Take It" (Col) (2d wk). Plenty good \$6,500. Last week colossal \$7,500.
Tower (Stan) (1,000; 25-35)—"Hot Handle" (M-G) (2d run). Nice \$3,000. Last week "Daughters" (WB) split with "Certain Age" (U), slow \$2,100.

Frisco No Like Quake, but 'Sis' Strong \$15,000

San Francisco, Nov. 1. Although "Men With Wings" isn't sending the Fox take sky high this week, biz at the house is never theless plenty good. Next best thing among the newcomers is "Sisters", action of which is set in San Francisco, at Warfield.

Estimates for This Week
Fox (F-WC) (5,000; 35-55-75)—"Men With Wings" (Par). Cris raved about picture as a spectacle and its color, but did not hand the story much. Last week, \$19,000.
Singers (Par) and "Girls Probation" (WB), poor \$7,500.
Golden Gate (RKO) (2,850; 35-55)—"Kid" (Par) and Benny Meroff on stage. Gate is having a bad time of it this week; meagre \$12,000. Last week, "Mr. Doodle" (RKO) and "Yippy Rose" Lase stage show, sweet \$21,000.

Orpheum (F&M) (2,440; 35-55)—"Certain Age" (U) and "Personal Secretary" (U) (2nd wk). Durbin second week at home at \$10,000. Last week biz plenty sweet at \$16,000.
Paramount (F-WC) (2,740; 35-55-75)—"If King" (Par) and "Always Smiling" (20th) and "Colman's second week good \$10,000. Last week, healthy \$16,500.
St. Francis (F-WC) (1,470; 35-55-75)—"Boys Town" (M-G) and "Vacation Love" (M-G) (5th wk). Will close this week after a grand run; around \$6,000. Last week, good \$6,500.

United Artists (Cohen) (1,200; 35-55-65)—"My Heart" (UA). Mixed notices, but audience reaction pretty good. In for two weeks, with first stanza geared for fair enough \$9,000. Last week (5th), "Drums" (UA), strong \$5,000.

Warfield (F-WC) (2,680; 35-55-75)—"Sisters" (WB) and "Sharpshooters" (20th). Betty Davis and Errol Flynn plenty okay at b.o. although San Franciscans get plenty peeved when Hollywood drags out its earthquake. First week will get \$15,000. Last week, "Arkansas Traveler" (Par) and "Touchdown Army" (Par), disappointing \$10,000.

Every State to Get A Ride in Colored Shorts

Hollywood, Nov. 1. Harry Wurtzel, and Gilbert Pratt teamed up as Sunset Productions to film a series of featurettes in color, to be known as "U.S. On Parade." Stories, running from two to four reels, will be based on the historical and industrial background of each of the states. Films will be made at General Service studio, starting in three weeks.

Now It May Be Miami

Convention of the Paramount theatre department headed by Y. Frank Freeman, a director of the parent company, may be held in Miami instead of New Orleans. Present plans are to date it some time in March. First convensh of Par theatres held since Freeman came in was in Miami in March, 1937, concurrent with the convalethere of the Motion Picture Theatre Owners of America.

Minneapolis, Nov. 1. A quartet of strong screen attractions, including two holdovers, making a valiant fight to overcome several adverse influences that bid fair to throttle grosses. Films are "That Certain Age", "Men With Wings", "Four Daughters" and "Drums"—first two named being the newcomers.

The Minnesota-Northwestern football game in Chicago drained the loop of more than 6,000 potential customers over the weekend. Heavy real estate tax payments due this week also carving hefty chunks out of most exchequers and leaving less to be had for entertainment for the moment. In the bargain, there has been a general business drop during the past fortnight, which seems to have a restraining influence on theatre attendance.

Reopening of the old Grand, dark for more than four years, is putting some zest into loop activity. House, completely remodeled and now called the Gopher, is a beauty of a show house that adds one more to the downtown first-runs.

Estimates for This Week
Aster (F&M) (Singer) (2,525; 25-35)—"Anabel" (RKO) and "Moto" (20th), dual first-runs, split with "Renegade Ranger" (RKO) and "Flight Fame" (Col), also dual first runs. Looks like satisfactory \$1,800. Last week, "Circus Holiday" (Col) and "Brenching Ice" (RKO), dual first runs, split with "Mysterious Rider" (Par) and "Personal Secretary" (U), \$1,800, good.
Century (Loew's-UA) (3,000; 25-35-40)—"Daughters" (FN) (2d week). Moved here for extension of first run after big week at State. Still rolling along and will turn in another nice profit. Last week, \$4,000 indicated. Last week, "Five Kind" (20th), \$4,500, fair.
Gopher (Par-Singer) (1,200; 25)—"Gateway" (20th). Curiosity over what's practically a new loop theatre bringing in the shekels. En route to \$3,000, good.

Orpheum (Par-Singer) (2,800; 25-35-40)—"Certain Age" (U). Raves for this one from all sides, plus star's pulling power, smells very healthy \$10,000. Last week, "Arkansas Traveler" (Par), \$4,000, light.
State (Par-Singer) (2,300; 25-35-40)—"Men With Wings" (Par). Extra heavy advertising and exploitation for this one. Opinions divided. Pretty good \$7,000 indicated. Last week "Daughters" (FN) (2d week), \$9,000, big.

Time (F&M) (15-25)—"Club de Femmes" (French) (2d run) (2d wk). Going along at satisfactory clip; looks like \$600. First week, \$800, okeh.
Union Square (Par) (1,200; 25-35)—"Antoinette" (M-G). First name showing soaring to good \$3,500. Last week, "Sinners" (Par), \$3,500, okay.
Worship (F&M) (2,550; 35-40-55)—"Drums" (UA) (3d wk). Holding to profitable gait. Reaching toward good \$1,600. Last week, \$2,000, good.

'Citadel', 'Suez' Pace Prov., 13G And 8G, Respec

Providence, Nov. 1. Nothing terrific about biz in these parts, though most stands doing slightly above average. Loew's is tops with "Citadel", followed by "Suez", at Majestic, and "Mad Miss Manton", at Albee.

Estimates for This Week
Albee (RKO) (2,200; 25-35-50)—"Miss Manton" (RKO) and "Swing Cheer" (U). Getting oke \$7,500. Last week, "Man Remember" (RKO) and "Mr. Doodle" (RKO), fair \$7,000.
Carlton (Fay-Loew) (1,400; 25-35-50)—"Four's Crowd" (WB) and "Girls Probation" (WB) (2d run). Heading for socko \$3,500. Last week, "Stables" (M-G) and "Vacation Love" (M-G) (2d run), nice \$5,000.
Fay's (2,000; 25-35-40)—"Wives Suspicion" (U) and vaude. Pacing for swell \$7,500. Last week, "Straight Place" (20th), \$7,500.

State (Loew) (3,200; 25-35-50)—"Mad King" (Col) and "Leatherheads" (Rep). Pulling home to swell \$13,000. Last week, "Drums" (UA) and "Reformatory" (Col), good \$12,000.
Majestic (Fay) (2,300; 25-35-50)—"Suez" (WB) and "Meet Girls" (20th). Neat \$8,000. Last week, "Four's Crowd" (WB) and "Girls Probation" (WB), good \$7,500.
Worship (F&M) (1,400; 20-35)—"Convicted" (Col) and vaude. Opening tomorrow (Wed.). Last week, "Marines Here" (U) and vaude, fair \$4,000.

Mdse. Selling in Theatres Again A Target for Anti-Pix Legislation

Austin, Nov. 1.

Participation of theatres in enterprises which are foreign to entertainment itself, and which brings the theatres into actual competition with other lines of business in the community, is denounced as an unfair business tactic. A bill to outlaw such tieups is on the tapis.

Since stores, merchants, newspapers, billboards and other businesses are not licensed to present entertainment at a profit, they are yelling that the theatres are operating outside the limits proscribed by the theatre operation licenses by selling candy, toys, advertising space, etc.

Biggest complaint comes from newspapers and press associations: in the southwest territory against theatres making their screens available for commercial and mercantile advertising. These newspapers insist that the theatres cease using their screens for commercial advertising, and name the Interstate circuit, the Saenger chain, and other circuit and indie theatres in the south.

Newspapers yelled but not too loud when the theatres tied up with local stores for a small amount of screen advertising. But when the theatres sanctioned national advertising on their screens, the dailies squawked that the theatres were biting off too much.

Since they were taking note of alleged unfair trade practices on the part of the theatres, the newspapers also brought up the fact that the theatres had made advertising deals with local merchants for the use of paid space on clocks in their lobbies, with these clocks taking in as many as 10 or 12 local merchants who would have otherwise spent this money for space in recognized advertising media. As long as it was small advertising and local tieups, the newspapers viewed it without any particular rancor. But when the theatres began getting national advertising ideas that are directly into them, the dailies and weeklies decided to call a halt to the entire theatre advertising practice.

Lobbies Like General Sores

Another growing complaint against theatres comes from the merchants because of the theatres' increasing participation in mercantile operations. This practice has been going so much in the last few years that in this territory theatre lobbies have begun to look like drugstores. Merchants don't object to theatres selling candy to patrons, considering it more of an accommodation to patrons. But they squawk their heads off about the theatres going in for active selling in competition with the stores in the neighborhood.

Theatres around here have been known to carry as many as 42 different lines of merchandise for sale in their lobby, taking in such items as popcorn, peanuts, ice cream sandwiches, ice cream sodas, soft drinks, cakes, ashtrays, pens, pencils, umbrellas, souvenirs of all kinds, clocks, dolls, dishes, aspirin, perfume, powder puffs, sheet music, records, and zines. Fake jewelry, razor blades, handkerchiefs.

There is considerable rumpus being raised due to the fact that many of these items can be bought by theatre circuits directly from the manufacturers at a cost lower than that paid by the local merchant. In this way the local merchant is put against an unfair price differential, while the jobber is eliminated from the transaction entirely.

Another more important fact of the case which has come up takes in the use of labor in the lobby stores, with the theatres utilizing their employees in multiple capacities. Ushers, cashiers and doormen doubling to handle by-products is also being finger-pointed at. This is mentioned as direct competition with the restrictions of the Wage and Hour bill, and has been called to the attention of the various labor unions which are beginning to formulate steps to combat this practice.

It is evident from the general situation that the public viewpoint is to favor turning over of theatre concessions to outside operators; it having been found that independent concessionaires spend more money in the town, employ more people and operate generally more to the best interests of the individual community. Concessionaires must incorporate in each state and pay a chain store tax and vending machine tax.

Just Unlucky

Lynchburg, Nov. 1.

Bank night results in neighboring town of Bedford are said to have made a woman fan so ill that she had to take to bed. She attended shows regularly until amount climbed to \$150. Then she missed, to go to a church social. You guessed it—her name was called. That was tough enough, but in order to see that the accident didn't occur again she attended the next three drawings.

Fourth bank night came, and once more the woman was called away. Her name was pulled for \$25.

RCA'S 20c ON COMMON SURPRISES WALL ST.

Directors of Radio Corp. of America surprised common stockholders last week by declaring 20c cash dividend on this class of issues, dividend being payable Dec. 14 to stock on record Nov. 7. The usual quarterly distribution on the first preferred as well as a dividend on the 'B' preference stock still outstanding had been expected but shareholders were not certain if earnings justified a cash payment on the common stock.

The usual quarterly declaration of 8 1/2c, on the first convertible preferred and \$1.25 on old 'B' preferred is payable Dec. 14 to stock on record Nov. 7. Both cover the period from Oct. 1 to the end of the year.

Ptsbg. Variety Club's Shindig Over-Capacity

Pittsburgh, Nov. 1.

Variety Club's annual banquet here Sunday night (30) drew capacity crowd of more than 1,000, with showmen from all parts of the country filling the banquet hall, most of them arriving the day before to attend the Pitt-Fordham football game. Feature of the affair was the adoption of another baby, fourth the Pittsburgh Tent has taken under its wing since organization was founded 12 years ago. Current youngster is a 17-month-old lad from Rosalia Foundling Home who has been named George Variety Barker II. Other three tots have already been taken in by private families.

Big show was ring-mastered by Jay C. Flippen and included Mary Jane Walsh, Marjorie Gainsworth, Fantinos, Clyde Hager, Jack Gray's, Des, Bartell and Hearst, 3 Sailors, Les Ghezzi, Borrah Minevitch's Rascals, Freddie Bartholomew, Larry Steele and Harlem Casino revue, bands of Jerry Mayhall, Tommy Tucker and Lawrence Wolf, Bernie Armstrong, Brian McDonald and Paul Gannon.

Norman Prescott served as toastmaster and introduced as speakers Jim Crowley, Jock Sutherland, Babe Ruth, U. S. Senators James J. Davis and Joseph Guffey, Harold C. Hoffman, Mayor Scully, Judge Arthur H. James, Marshall (Biggie) Goldberg, Pitt's All-American halfback, and Rosey Rowswell.

Youth, 22, Arrested In \$100. Theatre Theft

Columbus, O., Nov. 1.

A man who gave his name as Dan Yuhus, 22, of Columbus, is being held in jail here after police said he admitted robbing the Markham theatre here of \$100.

The loot, a black mask and a revolver used in the holdup were found in the man's possession, authorities said.

REP OPUS AWAY

Hollywood, Nov. 1.

'All Our Tomorrows,' one of Republic's higher budget pictures, goes before the cameras tomorrow (Wed.) with Sol C. Siegel as associate producer.

Sidney Salkow, director, is also assigned to pilot 'Kentucky Sweepstakes' when he completes 'Tomorrow.'

RICHEY TO RKO AFTER TIFF WITH MICH. CO-OP

Ned Depinet, v.p. in charge of distribution for RKO Radio Pictures, on Monday (31), announced the appointment of H. N. Richey to the post of Director of Exhibitor Relations for the company. Appointment becomes effective next week, Richey to headquarters at the N. Y. home office.

Richey has been director of public relations for Co-Operative Theatres of Michigan for the past two years; national secretary of Allied Theatres of Michigan for several years prior thereto.

Richey Follows Moon

Detroit, Nov. 1.

Following a factional squabble in Co-Operative Theatres of Michigan, Inc., which couple weeks ago led to ousting of Ray Moon as general manager, H. M. Richey was let out last week as director of theatre and public relations. Carl Buernese, assistant manager, replaced Moon but no successor selected for Richey.

Richey, a leader in the cooperative theatre movement for past 18 years, was first identified with Allied Theatre Owners of Michigan but gave up this post two years ago to join the new Co-Op organization. Richey's ouster also leaves vacant chairmanship of the Movie Quiz board in Michigan.

Squabble is said to have developed over movement to oust couple exhibitor circuits in supposed effort to bolster another chain of nabes in Detroit.

Canadian Premier Charges Double-X On Amus. Tax Repeal

Toronto, Nov. 1.

Bombshell announcement of Premier Hepburn that he has been double-crossed by 'the larger theatres' and that, in retaliation, he will unequivocally restore the amusement tax tariff when he draws up his new budget schedule next March, has the officials of major motion picture exhibitor organizations marshalling their forces to offset the emphatic threats of the Premier makes.

In abolishing the amusement tax on June 1, 1937, the Ontario leader admitted that the cancellation would total approximately \$2,000,000 in lost revenue, but that this annual loss to the provincial government coffers would be offset by the resultant political goodwill and the gain in friendship of those who had been annoyed by the 'nuisance tax' and the digging for pennies during box-office lulls. The tax, he stated, was difficult and expensive to collect; such 'nuisance taxes' should be progressively discarded; and, in surrendering this source of revenue, the government would earn the commendation of all classes of citizens.

The Premier's contention is that the deluxers and the A houses have 'broken faith' by not passing on the tax reduction to the customers; but the answer embodied in the presentation which will be laid before him by the major exhibitors is that a survey of the admission scales of the 70 largest theatres reveals that, in 1932, the average admission was 35c and that, for the first six months of 1938, the average admission charged by these same houses was 27 1/2c; and that there has been no upping in prices during the interim.

Recorded figures will be submitted to the Premier to show that theatre prices throughout the past six years have been steadily downward and that, in spite of added tax tariffs antedating June 1, 1937, theatre costs to the public have been consistently lowered.

What is puzzling exhibitors is the determination of the Premier to restore the amusement tax after his previous reiteration that this was a 'nuisance' and difficult and expensive to collect. General opinion is that perhaps the government coffers could now use that annual revenue loss of around \$2,000,000.

Clean Bill for 'Zaza'

Hollywood, Nov. 1.

Paramount streamlined out censorship difficulties with the 'Hays office' over 'Zaza' and resumed recording on the musical background for the picture.

Irving Talbot is conducting the studio orchestra, Phil Boutejle scoring.

Big Scramble for Any Available Theatres Has Distribs Wondering If It's Really So Tough for Indies

Not a Dualer

Hollywood, Nov. 1.

Old familiar boy-meets-girl theme is multiplied by four in a picture planned for winter production by Warners. Quadruple is titled 'Four Sons Meet Four Daughters.'

GRIFFITH AMUS. CO.'S RETIREMENT PLAN OK'D

Oklahoma City, Nov. 1.

Partners and members of the board of directors of the Griffith Amus. Co. ended a week's session in Oklahoma City by adopting a plan which will automatically retire employees at the age of 65 at a monthly payment rate equal to two-thirds of their salary.

Claude O. Fulgham, division manager, announces that final draft of the plan calls for payment of 3% of the employees' salary into a fund, with Griffith Amus. Co. donating the balance necessary for the John Hancock and Phoenix-Mutual insurance companies to guarantee the payments.

The retirement fund is provided for men only, since the women employees of the theatres usually work such a short time that it could not be applied to them. An employee may retire at the end of five years of operation of the new system and receive about 17% of his salary, or one-fourth of the accrued benefits. At the end of 20 years' service the employee would receive the entire accrued benefit.

Wilcox Coming Over To Set '60 Yrs.' in U.S.

London, Nov. 1.

Herbert Wilcox, having launched the British campaign for his latest, '60 Glorious Years,' second picture based on the life of Queen Victoria and starring Anna Neagle, sails for the U. S. Nov. 4, bringing with him a print of the picture.

Wilcox will confer in America with George J. Schaefer and Ned Depinet on the U. S. sales campaign.

WB in 3d Party Suit

Warner Bros. Pictures, Inc. has been named a third party defendant in the suit filed in N. Y. Federal court by Sylvian Cowane, as assignee of Kvality Pictures. Judge Edward Conger on Friday (27) granted the request of Jack Warner that the corporation be named his attorneys contending that should Miss Cowane win the case the concern would have to stand the cost.

The suit, originally directed against Jack, Harry, Albert and Sam Warner, is to recover \$10,000 alleged to have been loaned to Jack Cohen by Kvality on two notes in 1923.

The Kid Makes Good

Hollywood, Nov. 1.

Mary Kornman, graduate of 'Our Gang' comedies, plays a femme lead for the first time in 'I Am a Criminal' at Monogram.

Picture got the gun yesterday (Mon) with John Carroll in the male lead, William Nigh directing.

ADD CAVALCADES

Hollywood, Nov. 1.

Larry Darmour started production yesterday (Monday) on 'California Cavalcade,' second of his outdoor action series.

Series features Bill Elliott (formerly Gordon Elliott), Joe Levering directs from Nate Gatzert's screen play.

Howe Cranks for Hickox

Hollywood, Nov. 1.

James Wong Howe moved into the Warner studio to pinch-hit for Sid Hickox as cameraman on 'Oklahoma Kid.'

Hickox was burned and will be laid up for two weeks.

Minneapolis, Nov. 1.

With independent exhibitors fighting tooth and nail among themselves to grab off available theatres, with practically none for sale in the territory at anything resembling a reasonable price, with extraordinary inducements being offered to obtain permits for new showhouses and with 32 persons and companies making offers for the local 4,200-seat Minnesota theatre which the Paramount circuit is relinquishing, film distributors here are starting to wonder whether a theatre owner's life is the best of thorns and whether running a showhouse is the toughest racket painted by the independents themselves.

How come, branch managers here are asking, if the lot of the independent exhibitors is so terrible, or that the villainous machinations of the producer-distributors are so grossly unfair as to drive the long-suffering independent theatre owner to the wall?

In the competition to grab off theatres in the territory, in at least one instance, indies are carrying their fight into the courts. There's a mad scramble for permits to build new showhouses and to buy on the infrequent occasions when one is available for purchase. Sol Lebedoff and Sidney Volk, local independent exhibitors, are suing in district court to obtain possession of the Randolph, St. Paul nabe, which was thrown on the market when the owners turned over their lease to the court to sell in connection with an investment company collapse.

Lebedoff and Volk allege the owners made a deal with them, accepting their offer of \$12,000 for the 10-year lease at \$1,000 a month rent. However, the trustee disposed of the showhouse to Franklin Amus Co., local independent circuit, for \$15,000 and \$1,200 per month rent. Franklin now has the theatre, a 700-seat, 25c nabe.

Tit for Tat

With four fighting to obtain a permit to erect a \$100,000 theatre at St. Louis Park, local suburb, Harold Field, owner of a circuit of independent Iowa theatres and a Minneapolis resident, landed the license by making the municipality a gift of 14 acres of property for a public park. In his successful campaign he circularized all the town's residents, explaining his proposed project in detail in an elaborate four-page pamphlet.

H. L. Griffith has been fighting for more than two years to obtain a license for a new Minneapolis \$150,000 neighborhood theatre and there are fully six other independent houses that would be built if the city council would alter its stand not to permit further theatre construction here because the Paramount circuit and independent exhibitors contend the city already is over-seated. For the first time last week the council granted Griffith his permit, only later to rescind its action just as it had done twice before. On four other times the aldermen voted down the application and Griffith also was defeated in a court action designed to compel the permit's issuance. The council this time explained the permit 'had been slipped through inadvertently.'

Although the Paramount circuit has been unable to make a go of the 4,200-seat Minnesota theatre in recent years, and will relinquish it upon the expiration of its lease next Jan. 31, and although film product for the house probably would be next to impossible to obtain, 32 individuals and companies are reported to be dickering for it. The owners expect to make a deal within the next month.

N. O. Adding Houses

New Orleans, Nov. 1.

A new wrinkle in parades was staged here by the United Theatres, Inc., in the business section as a means of expressing 'patronage appreciation.' Sixteen gayly decorated floats, a number of bands and marching employes marked the parade.

Officials of the company announced that a new house will be added to the chain shortly. Work is now progressing on the Plaza and (Continued on page 20)

Paris Show Biz Shakes War Jitters And Hits Strides; U. S. Bands Set Pace

Paris, Oct. 22.

Paris has shaken the war jitters and hit the high stride in its new and old after-dark spots. Night club reopenings hit its highest average in years during the last two weeks, with a few new ones sprinkled in, while theatres started popping with delayed openings and revivals.

In the nightclubs and dancehalls, the bands are dishing out the swing, either mixed or fully manned by Yanks themselves. In the leading spot is Ford Harrison, white band, who holds down one stand in the Bagatelle, the only 'must dress' cafe here. The other five are Negro crews, led by Willie Lewis, who has the only all-American 'gang' here. He opened the season at the Coliseum dancehall. Remaining ones are those of Harwood Chase, at the Villa d'Este; George Johnson, at the Boeuf sur le Toit; Maceo Jefferson, at the Big Apple, and Joe Frisco, leading his own band in his own night club, the Chez Frisco.

Bagatelle's literary reopenings 'on the hill,' followed by Chez Odette, Chez Frisco, the Coliseum, and several smaller clubs. Those already open include the Sheherazade, Monte Cristo, Le Grand, Jean, Caprice Viennois, Casanova and Mousineur.

Up the Champs-Elysees district the Ambassadors' topped the reopening there. Eddie Roy's English band leads the bill, with Georges Carpentier on the receiving end. Not far away the Bagdad reopened with Serge Glykson in the swing pit. Up towards the Etoile the Boeuf-sur-le-Toit reopened and Le Berry came out for tea dances. Other spots open include Villa de l'Estand, in Montparnasse, there are Cabaret des Fleurs, Le Joker and others. In all, they offer every type of spot the town has ever furnished, at most any price the boys like to pay.

On the show side, Maurice Lehmann's opera, 'Balalaika,' opened first at the Mogador. Followed by Louis Verneuil's new play, 'Leonidas,' Maurice Chevalier; a revue at the Bouffes-Parisiens, 'God Save Paris,' and another at the Nouveaux, 'Vive la France,' by Dorin. The Varieties has 'Roi des Galeurs' with Albert Goussier. More are scheduled to follow shortly.

The blast came in a rush as openings planned earlier were postponed because of the scare while others have been shoved up, producers hoping to grab in on the wave of enthusiasm that has hit the town following the Munich accords.

'Boys Town' Screening Achieving Purpose Of Easing Quebec's Laws

Montreal, Nov. 1.

It is reported here that Premier Duplessis will ask Parliament for powers to modify the Film Act which forbids admittance of children to theatres at the next session of the Provincial Legislature, which is scheduled to begin at Quebec this winter.

Personal representatives of Cardinal Villeneuve, primate of the provincial diocese, are reported as opposed to an amendment following a special preview of 'Boys Town' in Quebec. Reported that subject matter of 'Boys Town' impressed the clergy more than anything else so far with advisability of letting children see pictures.

Hon. Cyrille F. Delage, superintendent of education for the Province, is reported in favor of a law whereby children under 16 will be permitted to see those films which are to be especially approved for children by a special board of censors.

Following a speech to educational and welfare groups in Montreal at a special showing of 'Boys Town' when he urged pressure on the government to amend the law, Hon. Thomas J. Coonan, Minister without Portfolio in the Duplessis Cabinet, was also present at the screening for the clergy in Quebec City. At Quebec Coonan was accompanied by another Government minister, Hon. Albin Paquette.

Cinesound's Ambish Plans

Sydney, Oct. 25.

Cinesound plans to turn out 30 to 40 pictures for Australian markets shortly.

Simone Simon Sues; Got 'Improper Billing'

Paris, Oct. 22.

Simone Simon has her name in the court circular again. She's suing Export Films for 60,000 francs (\$1,600 at current exchange) concerning display her name was given in film, 'Black Eyes' which she made with Harry Baur.

Credits, according to contract, were supposed to be as large as those given Baur, with similar picture display in lobby where picture was shown. She sued once and got 4,000 francs (about \$107, present exchange). Case is up again with demand going to 60,000, the same price she was paid to make the film.

New Mgrs. Assoc.

(Continued from page 1)

system of theatrical costumes and props.

A Growing Trend

Groundwork of the whole proposal is the growing trend of co-operative groups in the theatre. In the past such groups have generally been formed by actors, but the formation and apparent success of the Playwrights' Co., the click of Maurice Evans as an actor-manager and the start of the Mercury theatre's second season has apparently inspired the thought of the suggested setup.

Proposed name of the new group is the Assn. of New York Actor-Manager-Authors. Those mentioned as possible members are Maurice Evans, Katharine Cornell, Guthrie McClintic, Alfred Lunt and Lynn Fontanne (latter pair work under their own setup within the Theatre Guild organization), Robert E. Sherwood, George Abbott, Sidney Howard, Orson Welles and John Houseman. S. N. Behrman, Marc Connelly, Phil Dunning, Maxwell Anderson, Noel Coward, Sidney Kingsley, Kenyon Nicholson and possibly George B. Kaufman, Moss Hart and George M. Cohan. Believed there would be no objection to any member also belonging to the League of New York Theatres if he cared to do so.

N. Y. Palladium

(Continued from page 1)

jurisdiction as a revue where it would go in original form. Deal is on for AFA and looks like it will be signed by today (Wednesday). Eddie Garr, Rosita Ortega, Oxford Boys, 'Avis Anderson, Berry Bros, Gilbert Bros., Cass, Owen and Toppy, Bernice Stone, Lorraine and Rogan, Ming and Toy, Four Kim Loo Sisters, Al Gordon's Dogs, and the star of Hale Giris comprise lineup with couple of importations also. Steve Garay, Hungarian comic and popular around England for several years, comes over along with Frank Elders, French novelty juggler. Deal is on for filmers Herman Bing and Patsy Kelly but contracts are not signed yet.

George Banyal, formerly associated with Robitsek in London and Paris, will direct at Palladium (nee B. Moss' Broadway). T. H. McKnight Abe Burrows, Frank Galen, Jack Osterman and Al Shafel are writing special material. Scale set at 90c top matinee, \$1 top for the early evening show and \$1.50 for 'late' show.

Reasons for the inclination toward AFA rather than Equity are that, under Equity classification as a revue, show could go on only eight times weekly, including two matinees. Under AFA 21 shows per week are permitted and posting of a bond to cover salaries is not required.

NIX NAZI OLYMPIX

London, Nov. 1.

Tobis' films of the Berlin Olympic games have been offered here but turned down by reluctant distributors who regard reels as German propaganda. Films were directed by Leni Riefenstahl.

A representative will go to the U. S. next week to try to place film there.

30,000 See 'Snow White' In 1st Capetown Week

Capetown, Oct. 15.

'Snow White' (RKO) is pulling big biz at the 2,000-seater Alhambra (African Consulate Theatre) Capetown. Three sessions daily; four Saturdays. Special booking office was opened to cope with the big crowd.

In first week, over 30,000 saw the picture, and looks like the second week will pass that.

LONDON REVIVES PLAY ON WILDE

London, Nov. 1.

'Oscar Wilde' was revived at the Adelphi theatre last Tuesday (25). Though well produced, play suffers by comparison with original Gaiety theatre production of two years ago when Robert Morley, now current in Broadway version, played the title role. Francis Sullivan gives a fine interpretation, but just fails to measure up to Wilde. Banned by censors, play can only be privately produced here.

'Party for Christmas' transferred from Arts theatre last Tuesday (25) to the Haymarket. Play, which had opened Oct. 11, had been well received and newspaper criticisms generally favorable.

'They Fly by Twilight' bowed at the Aldwych last Thursday (27). Tragedy developed via comedy was well received, but some notices were unfavorable. Seems to have an even chance.

Sue Kiepara, Eggerth In Paris Wage Snarl; Anschluss Aftermath

Paris, Oct. 22.

An unexpected repercussion of Germany's grab at Austria is that Jan Kiepara and Martha Eggerth are being sued for 700,000 francs (about \$18,620, current exchange) in a Paris court.

The couple, who are also man and wife, began a picture, 'The Carnival of Venice,' in Vienna for M. Gluck before the Anschluss. As they were ill, production was suspended, but when they were ready to recommence, the political destinies of Austria had changed. As Gluck is 'non-Aryan,' he came to Paris. At the same time he ceded his rights to the picture to Era Films, the Italian company headed by Vittorio Mussolini, son of Duce.

Young Mussolini's company renewed the contracts with Kiepara and his wife and the film is being completed in Italy. But Gluck claims he forwarded the aforementioned amount to the couple as salaries due. He's suing for the money. The Kieparas claim that as long as Gluck ceded his rights to the Italian company, he must collect from the company, and besides, since his company is no longer in existence, he cannot make any legal claims.

'Women' Nix in Sydney Seen; Await Official O.K.

Sydney, Oct. 12.

Parliament has been asked whether action should be taken to ban stage production of 'The Women,' in this territory because of nix by British authorities. Premier Stevens said no action would be taken until police view play.

Ronald Edwards, Williamson-Tait producer, countered with statement that the play had been a big success in U. S. and probably would click here. Denied any intention of offering unclean shows. W-T imported the play for showing here.

Exhibs, Distribs Team For Refugee Benefits

London, Oct. 23.

Cinematograph Exhibitors' Assn. (exhibs) and Kinematograph Renters Society (distribs) are combining to give Sunday night performances at 200 cinemas in England for the benefit of refugee children.

Houses will be donated and there will be no charge for films. Employees will be asked to contribute their services free.

Japan's New Year Book Indicates Nation Has Eye on World Market

Self-Regulation

(Continued from page 3)

what procedure will be, nor has it indicated any position whatever to date that it may have assumed in connection with specific problems up for discussion. It is believed widely, in the absence of anything but perfunctory announcements by the distrib committee and disposition of latter to restrict the MPTOA, Allied and other exhib bodies from announcing progress, that numerous items will not even be considered for final discussion.

Provisos

Among these trade observers believe, will be the question of any change in block booking of pictures; question of restricting film contracting because of strong buying power; any divorcement of producer-distrib from theatres; restriction of further expansion, and designation of all pictures by name, star or director rather than by number.

Exchange of information on discussions is expected to assume a more important status with the resumption of MPTOA. Parleys following end of the convention this week and the report of the board of directors on trade practice reforms. Meantime, during the past week, the distrib has continued meeting with Allied and the group of lesser indie bodies under chairmanship of Albert A. Galston of the Independent Theatre Owners of Southern California. Galston and Leo Brecher, latter of TIOA of New York, are the spokesmen for this group which is reported having a 15-point program, including 20% cancellations, elimination of move-over runs, forcing of shorts and newsreels, elimination of score charges, radio competition, overbuying of major chains in selling buying, favoring of major chains in selling and theatre expansion by majors.

The distribs resume with Allied States tomorrow (Thurs.) following a board meeting of the organization in Chicago. Board is expected to take up the matters so far discussed, plus any changes or additions, progress, etc.

A possibility of the future in view of the common interests of all indie bodies in the effort to arrive at a code of fair trade practices, is a merging of leading exhibitor organizations into one large powerful unit. Although other organizations have been on the fence, the MPTOA in the past has never maintained a closed door to a merger with Allied and others for the mutual benefit of all.

Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '38.
'Robert's Wife,' Globe—Nov. 23, '37.
'Me and My Girl,' Victoria Palace—Dec. 16, '37.
'Wine Sharp,' Little—Jan. 26, '38.
'The Corn Is Green,' Strand—April 13, '38.
'Banana Ridge,' Strand—April 27, '38.
'Glorious Morning,' Whitehall—May 29, '38.
'Spring Meeting,' Ambassador—May 31, '38.
'Lot's Wife,' Savoy—June 10, '38.
'She Too Was Young,' New—Aug. 16, '38.
'The Fleet's Lit Up,' Hippodrome—Aug. 17, '38.
'George and Margaret,' Piccadilly—Aug. 30, '38.
'The Shalt Not,' Playhouse—Aug. 31, '38.
'Running Riot,' Gaiety—Aug. 31, '38.
'Flashing Stream,' Lyric—Sept. 1, '38.
'Dear Octopus,' Queens—Sept. 14, '38.
'The Corn Is Green,' Duchess—Sept. 20, '38.
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23, '38.
'Elephant in Arcady,' Kingsway—Oct. 5, '38.
'The White Guard,' Phoenix—Oct. 6, '38.
'Bobby Get Your Gun,' Adelphi—Oct. 7, '38.
'Behind Blinds,' Winter Garden—Oct. 10, '38.
'When We Are Married,' St. Martin's—Oct. 11, '38.
'A Party for Christmas,' Haymarket—Oct. 11, '38.
'Private History,' Gate—Oct. 12, '38.
'Quiet Wedding,' Wyndham—Oct. 14, '38.
'Goodness, How Sad,' Vaudeville—Oct. 18, '38.
'They Fly by Twilight,' Aldwych—Oct. 27, '38.

Even in the present unsettled state of affairs in the Far East the cinema business is not unmindful of its propaganda and under the editorship of the International Cinema Assn. of Japan, the Society for International Cultural Relations has produced a Year Book for 1938 that is a decided credit to those concerned. It presents the Japanese cinema in the most favorable light, but without exaggeration or bombast. The editing job has been most carefully done and the pages are free from the mistakes due to idiosyncrasy which marked earlier publications, and which sometimes made the text amusing rather than convincing. It will serve to give the uninformed a clear picture of Japanese production and production methods but, to those familiar with earlier issues of similar import, it conveys the suggestion that with the gradual change in the improvement in Japanese play and production the day is perhaps not far distant when Japanese product, with super-imposed titles and a minimum of dialog, will find a broader place in the world market. The suggestion as to limiting the dialog comes from the Year Book itself, which suggests that the excessive matter in some American-made pictures has created the natural reaction.

Comparison with older issues shows a tendency to depart from the ancient landmarks and to use costuming, backgrounds and stories less distinctively Japanese without losing character. A section of the publication is devoted to analyses and pictures of the most important product and many of these scenes show a vast improvement in composition, lighting and character manipulation. Portraits of the stars, too, show an increasingly Occidental cast, suggesting that, consciously or otherwise, Japan is moving slowly but surely toward the common denominator of mass entertainment, with an appeal beyond its own borders.

ON SLIGHTLY

Because of what is referred to as the Sino-Japanese 'conflict,' production was down slightly in 1937 from the peak of '36, but 524 having been produced as against 558 the previous year. This, however, is an advance over the 494 produced in '35. But of the '37 output 365 were made with talk as against only 300 the previous year. On the other hand sound pictures, other than talkers, were down to 50 against the previous year's 121. Silent pictures remained nearly stable; 121 in '36 and 159 the following year.

In the matter of exhibition, there were 2,097 theatres in '38, an increase of exactly 100 over the previous year. Film imports dropped from 341 to 287, of which 231 of the total came from the U. S. France sent only 21, Germany 14 and England but 12. Paramount contributed the greatest number, 39, with Columbia second with 31. Warner and United over 21 and Metro 29. Universal had 21, RKO 19, 20th-Fox 18, U.A. 17 and there were 27 from various other sources.

The U. S. contributed but half of the 10 Best for 1937 with United Artists supplying two, 'Dodsworth' and 'You Only Live Once,' while Metro scored with 'The Good Earth' and 'Fury' and Paramount scored with 'Make Way for Tomorrow.' This list was compiled by The Movie Times. From the box office angle the Yanks get seven out of the 10. RKO topped with 'Michael Strogoff,' 'Swingtime' and 'Shall We Dance.' Paramount had 'The Plainsman' and 'Souls at Sea,' while Warner scored with 'Charge of the Light Brigade,' Columbia was represented by 'Lost Horizon.' Tobis had two and Albatros one entry.

There are seven native newsreel companies, with Paramount also included. The output ranges from 17 to 144 prints per film. The number goes to the Sekai No Ugoki ('March of the World'), which is compiled from foreign issues with Japanese dialog dubbed in.

Of the Japanese product 287 of the reels were of cultural subjects, not primarily intended for entertainment purposes. Of these 49 dealt with the Army and Navy and 13 were designed to encourage tourism.

M-G'S P. R. HOUSES

Metro plans to open its new Cine Metro in San Juan, Puerto Rico, about the middle of December.

Same company is now breaking ground for its new Metro film theatre in Adelaide, Australia.

U.S. PIX HOLD OWN ABROAD

N.Y. Execs Hopeful Italy Will Alter Distribution Edict; Quit Otherwise

While the situation in Italy regarding the nationalization of foreign distribution remains stalemated, picture industry officials in New York are still hoping that the situation may clear through modification, or complete abandonment of the decree before Dec. 31.

Right now Italian officials are adamant to even easing terms of the edict. European representatives of American distributors and Hays office representatives have huddled for weeks in Rome. At present picture officials declare they will withdraw entirely from Italian distribution at the end of the year, when the new order becomes effective, in the event the decree goes through.

If American film companies withdraw from Italy it will mean that all exchange employees discharged must be indemnified on the basis of one month's pay for every year they have worked for the U. S. distributor. Because about 300 employees of four major companies are involved, this expenditure, plus loss of leases, equipment and dubbing laboratory investment, this would represent a heavy outlay for firms quitting Italy. Most companies, however, claim they would face much loss rather than operate under the nationalization statute as it now stands.

Allport Carries Yank Hopes

Rome, Oct. 22. Negotiations between F. W. Allport, Hays office representative here, with representatives of the Italian film industry, carry the hopes not only of American distributors and Italian exchange employees, whose jobs hang in the balance, but those of thousands of Italian picture patrons, who are wondering if they are to be deprived of seeing their favorite film stars.

What is accomplished by Allport on the new government distribution monopoly plan will go far probably in deciding whether U. S. companies pull up stakes in this country. Meantime, American representatives are not signing any contracts extending beyond Dec. 31 this year so they will have no breach of contract suits facing them if they decide to quit.

Italian film press is stressing the fact that existing distribution agencies need not be overthrown under the proposed new arrangement. While the government film department is given the monopoly right to arrange its distribution, actually, the department would not do all the distributing itself.

Italian producers can turn out only 50 to 100 pictures annually, which means that 200 foreign pictures would have to be brought into this country. But American distributors here would have to operate as agents of the government film bureau.

It appears that American companies would want two assurances, (1) that they would receive an adequate percentage of distribution, not just the dud pictures and (2) a means to enable the companies to get this money to U. S. without leaving it to rot in the "blocked lire" fund (American companies have been allowed to withdraw only about 22% of total rental coin collected, remainder staying in Italy in the fund).

Later brings up question of what can be done with U. S. companies' frozen assets in Italy. Consequently it's claimed here that the monopoly proposal has done nothing to solve the deadlock on this question.

Italian film publications and dailies have carried articles attempting to explain the government monopoly because of avia instigated by Italian picture fans who show preference for American pictures and stars.

Imports at Fixed Prices
Following the establishment of Italy's monopoly in home distribution, it's now proposed that foreign films be bought at fixed prices. Films would be rated according to categories and for each category there would be a definite price, fixed by the government film agency. Foreign producers who may not like the restrictions are warned that if they once withdraw from the Italian mar-

Execs Abroad

Arrival of J. A. McConville, Columbia's foreign manager, and Arthur W. Kelly, United Artists' foreign distribution head, in Europe during the next few weeks will bring the majority of American foreign managers to European soil this month. In addition to McConville, Jack Cohn, vice-president, and Jack Segal, aide to McConville, sail for England this week. Kelly departed last Saturday (20).

In addition, John W. Hicks, Jr., Paramount foreign chief; Phil Reisman, RKO foreign executive; J. Cheever Cowdin, chairman of Universal; Jack Warner, WB vice-president, all are in Europe presently while W. J. Hutchinson, 20th-Fox foreign distribution head, now in South Africa, may stop off in England on his way back to U. S. in the next two months. Sam E. Morris, v.p. in charge of foreign distribution for WB, sailed from London Oct. 29. Morris went over for the opening of new Warner's cinema in London and to attend to other distribution matters.

Fight for Cheap Aussie Admish Gains Ground

Sydney, Oct. 12. Exhibitors are watching to see what happens in Perth, Western Australia, when the government acts to see that family nights and 12c admissions are not eliminated. Many local exhibitors, especially those in neighborhood spots, would like to take a firm and develop family biz. They claim this is impossible now because of agreement with distributors not to cut admissions below 25c. However, Film Board of Trade, comprising distributor and exhibitor reps here, wants to have a standard film contract okayed that will permit both sides. Sir Ben Fuller, who has operated a big circuit in New Zealand, believes that cheap admissions in that territory have helped develop family trade. Practice in N. Z. is to allow exhibitors to charge lower admission fee after a picture has been around 18 months. It's not known here definitely whether lower admission campaign in Perth will have any effect in New South Wales.

ket they will not be allowed to return. While Marchese Paulucci di Calboli, director of the agency, is in London and Paris to line up imports representatives of American producers, exhibitors here continue to be in the dark as to their future. Most of them here as distributors as well as representatives of American producers. With Italy's monopoly, their distribution is automatically cut off.

As for the Italians, they hope that the centralizing of all import arrangements in the government's hands will result in cutting down imports quantitatively, and improving them qualitatively. They believe the government-controlled agency will import only the number of films that it considers necessary to satisfy the Italian market, thus guarding against exporting currency for "superfluous" imports. They also believe that by centralizing the agency that selects foreign films for distribution, Italy will be assured getting the pick of the lot. Finally they hope a centralized import agency will have the opportunity to arrange for good terms for the exportation of Italian-made pictures.

DESPITE NAT'L RESTRICTIONS

Quotas, Dictators, Totalitarianisms and All the Other Factors Augur Pessimistically—But, So Far, American Enterprise in Merchandizing Its Films Has Managed to Circumvent Many of the Hurdles

EYE TO FUTURE NOW

Despite wars, political upheavals, restrictions, quotas, nationalization edicts and other hindrances, American picture companies are doing as well in the foreign market today as they were six months ago. New York home offices, including foreign department chief executives, have gone ahead outfitting all of these handicaps and showing more than ever before that New York is the business manager of the industry.

The Italian situation is bad. Nobody in the business can be found who will say otherwise. Returns are off in China, and nearly as bad in Japan. The Spanish conflict has pared revenue down to almost nothing in Spain. Germany has taken control of Austria and parts of Czechoslovakia, and there are indications of further spread of Nazi control. But despite all these disruptions of regular business, the enterprise shown by New York executives and salesmen on foreign soil have circumvented these threats to net returns from the foreign territory.

Some major companies, making up a large percentage of all foreign business, probably will end up October with a slight increase in business from foreign countries as compared with six months ago. Others report business holding even while some, of course, are sagging below the spring income level.

Gains

Check with leading film companies shows gains in nations of the United Kingdom, France-Belgium, Scandinavian countries, Latin-American territory and in several other lesser European nations. Dips in revenue are indicated in the Orient, Czechoslovakia and other central European countries.

While latest figures are not available, following is a percentage summary of foreign income obtained by leading American film companies with indicated check on trend of business at the close of October, percentages shown being those of foreign total six months ago:

United Kingdom

Great Britain, 44.9% (business up).
Australia, 12.3% (even).
India and South Africa, 2.4% (slightly gain).
Total, 59.6%.

Europe

France-Belgium, 11.9% (increase).
Italy, 2.4% (slightly off).
Scandinavian countries, 4.2% (nice gain).
Bulgaria, Greece, Turkey, 1.2% (even).
Czechoslovakia, 1.4% (off).
Holland, 1.7% (business better).
Poland, Yugoslavia, Rumania, Hungary and other nations of central Europe including Germany, 3.1% (slightly lower).
Total, 29.5%.

Orient

Japan, 1.4% (slightly off; delay in getting money out of country).
China, 0.4% (off nearly 40%).
Total, 1.8%.

Latin-America

South America, 6.3% (higher).
Central America, 2.9% (slightly better).
Mexico, 1.4% (even).
Total, 10.6%.

Miscellaneous countries including Philippines, 2.1% (off slightly).
U. S. Market, 1.6% (off slightly).

Thus it will be seen that in English-speaking countries listed under United Kingdom, representing biggest percentage of foreign revenue,

Dietrich's 100G for Film Indicates Name Trend in France; Low Costs Of Production Challenges H'wood

there has been a pickup in business. And that even in Europe, where income is reported off, from slightly to an alarming extent, some countries are doing better and others are holding even. The France-Belgium area and Scandinavian countries, where income is better, represent about 60% of total revenue from European countries. Decline in Orient does not cut such a big figure because it represents such a small percentage of foreign revenue. Improved conditions prevail in Latin-American countries, representing nearly 11% of outside-U. S. gross returns.

Indicative of enterprise by foreign departments is the manner in which department heads continue actively in contact with the situation by touring various territories under their jurisdiction. By the middle of this month hardly a foreign distribution executive will be in New York, and those here are just getting back from foreign inspection jaunts.

Italy a Sore Spot Now

The sore spot just now are Italy, and threat of the Nazi "orbit" expanding into other Central European countries. Hence, it is the probable direful future outlook that has the foreign film officials on their toes rather than present actualities.

There is little or no change in the German situation. The three major companies—Paramount, 20th-Fox and Metro—continue doing business there on a limited scale, with delay in getting all funds out, but find limited distribution, despite the restrictions, still profitable enough to continue operations. Companies which were not affected by German control continue going ahead in Austria and parts of Czechoslovakia, although admittedly it has cut into their revenue.

One bright spot on the horizon in Europe is that the conflict in Spain may shortly be terminated. Always regarded as an excellent market, many companies have maintained skeleton branches wherever possible, and some distributors actually have been showing some revenue, though only about 10% of what it was. However, they will be able to resume actively as soon as warfare ceases and shipments into Spain are resumed. Principal cause for optimism is the demobilization of foreign enlisters in both the Loyalist and Insurgent ranks.

Indicative of gains being made in some spots is the manner in which efforts have been made to enlarge the Latin-American market. At least three major companies this season (Continued on page 54)

Columbia-Moss-Graetz In 3-Way French Tieup

Columbia will finance picture production in France in conjunction with Paul Graetz of the Paris Export Co. Latter sailed for Europe last week to line up producers and a schedule of four to six bi-linguals annually which Col. will distribute world-wide. This deal, which will now definitely establish Columbia in French production, as well as British, was preceded by a takeover of eight French pictures for distribution in America.

Deal for handling the pictures in the U. S. was originally sold by Graetz to B. S. Moss' newly formed Empress Pictures, but due to a hitch in Moss' plans and a desire to confine himself hereafter solely to financing foreign production and operating theatres, Columbia agreed to sell some or all the films, including "Life Dances On" ("Carnet du Bal").

Moss continues his financial association with Graetz and will sail for Europe this week to confer with latter in Paris.

Paris, Oct. 18. The recent deal for around \$100,000, plus percentage, to Marlene Dietrich for her bi-lingual to be made here next spring for Forrester-Parant Films, keynotes a new trend in French film production. It's predicated primarily on a realization that since current film costs here are so low, France can well afford to extend itself on name talent—heretofore unknown here, and yet come out successfully. This, despite the limited markets.

This healthy margin is permitted since there aren't the same staggering charges for executives, directors and general overhead here, as in Hollywood. In the case of Jack Forrester's company going so fancifully for a Dietrich, there is the already known added advantage of making the film in both French and English. There are many other elements in the general economic scheme of things here that are not to be overlooked.

Thirdly, there are the lower taxes for the artists. Compared to the 50% to 60% (for the upper bracket earners) which a Hollywood star has to shell out to cover all taxes there, the total comes to about 15% in France.

Fourthly, since studio costs are not nearly as high as those in America, the best equipped studios here—and that means with modern American equipment—can be had for prices far below what it would cost independent producer to turn out a picture in Hollywood.

Fifthly, which goes a long way towards the Continental, South American and other world markets, the censor is far more lenient here. Rigors imposed by the censors at home are often ridiculed by Continental audiences and in many places do the Yank product no good outside of the United States. Life is life, and all the world ought to know it, say the French, so allow it to be shown as such.

No High-Priced Execs

First and by far the French industry is not overcharged with tremendously high-priced executives making a continual heavy overhead that is carried continuously regardless of how many pictures are produced. French companies are small by comparison with relatively few higherups commanding salaries that anywhere compare with Hollywood. They are geared so that when production stops the big expenses halt, too, with long-term, non-productive contracts being paid out also.

Salaries paid meggers here—and they have some good ones—in no way compare with those in America. And as the companies are small, the meggers are given a better chance to turn out good pictures.

VIENNA SHOW BIZ LOW WITH SEASON'S OPENING

Vienna, Oct. 20. In the wake of "anschluss" and the fact it's now what would normally be the start of the season, Vienna represents a very drab aspect these days. The traditionally gay capital is virtually a fifth-rate town. Only three legats are open, film production is nil, there's been no original play by an Austrian dramatist for two years and 90% of the cinemas are exhibiting last year's made-in-Germany pictures.

Hellman in U. S.

Marcel Hellman, of Criterion Films, Ltd., has arrived in New York from London to confer with Mack Littman, N. Y. rep on distribution of "Double Crime on the Maginot Line". Hellman goes west later, this week, to discuss new production deals in England.

ON THE SCREEN...ON THE AIR...

...Thursday, November 3rd...

While opening day crowds are storming Radio City Music Hall to see David O. Selznick's first picture of the season, millions from coast to coast will be listening over the C.B.S. Network from 8 to 9 P.M. to Douglas Fairbanks, Jr. in a tabloid preview of the production on the popular KATE SMITH HOUR.



SELZNICK INTERNATIONAL Presents

JANET GAYNOR · DOUGLAS FAIRBANKS, JR.
PAULETTE GODDARD

in

THE YOUNG IN HEART

with

ROLAND YOUNG
BILLIE BURKE

HENRY STEPHENSON and introducing RICHARD CARLSON Directed by RICHARD WALLACE

Based on the Saturday Evening Post Serial, "THE GAY BANDITTI" by I. A. R. WYLIE

Produced by **DAVID O. SELZNICK**

Released thru UNITED ARTISTS

**'SUEZ' OPENED
OVER THE
WEEK-END IN
35 IMPORTANT
SPOTS, AND
IN EVERY ONE
OF THEM IT
SURPASSED THE
RECORD OF 'IN
OLD CHICAGO'!**



THE KEYSTONE OF YOUR FUTURE

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DIST. CO.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
8/19/38	CONVICTED BLOCK-HEADS GIVE ME A SAILOR SMASHING THE RACKETEERS A ROMANTIC ROGUE ALEXANDER'S RAGTIME BAND	Col Hal Roach Jeff Lazarus B. P. Fineman John H. Auer H. J. Brown	Col MGM Par RKO RKO 20th	Meller Comedy Comedy Mellor-Dr Musical Musical	R. Hayward-C. Quigley Laurel and Hardy M. Baye-B. Hope-B. Grable G. Morris-F. Mercer R. Novarro-M. Marsh T. Power-A. Faye-A. Ameche	Leon Barsha John Blystone Elliot Nugent Low Landers John H. Auer Henry King	50 55 80 68 105	8/24 8/31 7/27 8/10 6/1
8/26/38	MARIE ANTOINETTE SPAWN OF THE NORTH BREAKING THE ICE TENTH AVENUE KID SPEED TO BURN BOY MEETS GIRL	H. Stromberg Al Lewin Sol Lesser Harry Grey Jerry Hoffman Sam Bischoff	MGM Par RKO Rep 20th WB	Drama Outdoor Musical Meller Sports Comedy	N. Shearer-T. Power G. Raft-H. Fonda-Lamour B. Breen-G. Ruggles R. Cabot-B. Roberts M. Whalen-L. Bari Cagney-O'Brien-M. Wilson	W. S. Van Dyke Henry Hathaway Edward Cline B. Nard Vorhaus Otto Brown Lloyd Bacon	150 110 80 56 69 86	7/13 8/24 9/7 8/31 8/8 8/31
9/2/38	PHANTOM GOLD I AM THE LAW THREE LOVES HAS NANCY UNDER THE BIG TOP SING, YOU SINGERS CAREFREE THE HIGGINS FAMILY BILLY THE KID RETURNS MY LUCKY STAR FRESHMAN YEAR FOUR'S A CROWD	Col Everett Riskin Norman Krasna Wm. T. Lackey Wesley Ruggles Pandro Berman Sol C. Siegel Chas. Ford Harry J. Brown Gilson David Lewis	Col Col MGM Mono Par RKO Rep Rep 20th Col WB	Western Meller Mellor-Dr Com-Dr Com-Dr Musical Western Mus-Rom Com-Dr Com-Rom	J. Loden-B. Marlon E. G. Robinson-W. Barrie Montgomery-Gaynor-Tone A. Nagel-J. LaRue B. Crosby-F. MacMurray F. Astaire-G. Rogers J. Gleason-L. Gleason R. Rogers-S. Burnette Rennie-R. Greene-Romero D. Dunbar-R. Trues-Lundigan R. Russell-E. Flynn	Joe Levering Al Hall R. Thorpe Karl Brown Wesley Ruggles Mark Sandrich Gus Meins Joe Kane Roy Del Ruth Frank McDonald Michael Curtiz	54 99 67 63 63 83 62 56 99 65 95	9/28 8/31 9/7 8/14 8/17 8/31 8/7 9/21 9/14 9/21 8/17
9/9/38	THE LADY OBJECTS COLORADO TRAIL BOY'S TOWN STARLIGHT OVER TEXAS IN OLD MEXICO AFFAIRS OF ANNABEL SAFETY IN NUMBERS PERSONAL SECRETARY SECRETS OF AN ACTRESS	Wm. Perlberg Col John Considine Ed Finney Harry Sherman Lou Lusty John Stone Max H. Golden David Lewis	Col Col MGM WB RKO 20th 20th WB	Com-Rom Western Drama Western Western Comedy Drama Drama Rom-Dr	G. Stuart-L. Ross C. Starrett-L. Meredith S. Tracy-M. Rooney-Hull T. Rittler-L. LaRue W. Boyd-G. Hayes J. Oakie-L. Ball J. Prouty-S. Byington W. Gargan-J. Rogers Wm. Keighley F. Kelly-R. Hayworth-Darre	Erle C. Kenton Sam Nelson N. Taurou Al Herman Edw. D. Venturi Ben Stoltzf Mal St. Clair Otis Garrett Wm. Keighley D. R. Lederman	63 54 96 96 96 73 55 62 60	10/5 11/2 9/21 9/21 9/21 8/10 9/7 9/28 9/14
9/16/38	JUVENILE COURT TOO HOT TO HANDLE MEXICALI KID KING ALCATRAZ THE RENEGADE RANGER HOLD THAT DEED THE BLACK BANDIT VALLEY OF GIANTS	Col L. Weingarten Robt. Tamsey Par Bert Gifford D. Hempstead Trem Carr Lou Edelman	Col MGM Mono Par 20th 20th WB	Drama Com-Dr Western Drama Western Rom-Com Western Outdoor	F. Kelly-R. Hayworth-Darre Gable-Loy-Carrillo J. Randall-W. Barry G. Patrick-L. Nolan-Naish G. O'Brien-L. LaRue J. Barrymore-G. Murphy Bob Baker-M. Reynolds W. Morris-C. Trevor	D. R. Lederman Jack Conway Wallace Fox Robert Florey David Howard Geo. Marshall Geo. Wagner Wm. Keighley	60 108 56 55 80 60 75	9/14 9/21 9/7 10/5 9/28 9/28 9/21 8/17
9/23/38	STRANGER FROM ARIZONA WANTED BY POLICE CAMPUS CONFUSIONS FUGITIVES FOR NIGHT PRAIRIE MOON TIME OUT FOR MURDER ROAD TO RUIN FOUR DAUGHTERS	Monroe Shaff Lindsay Parsons Par Lou Lusty Harry Grey Sol Wurtzel Ed Granger Ben Glazer	Col Mono Par RKO Rep 20th 20th WB	Western Mellor-Dr Football Comedy Western Meller Com-Dr Com-Dr	B. Jones-D. Kray Datto-R. Fenn B. Grable-H. LaRue F. Albertson-E. Lynn G. Aubrey-S. Burnette G. Stuart-M. Whalen R. Scott-R. Hampton Priscilla-Rosemary-Lane	Elmer Clifton H. Bretherton G. Archinbald Leslie Goodwins Ralph Staub H.B. Humphreys S. Sylvan Simon Michael Curtiz	55 59 60 63 58 73 68 70	9/21 9/28 9/14 9/28 10/19 10/5 10/5 9/17
9/30/38	GRU'S SCHOOL YOU CAN'T TAKE IT WITH YOU MAN WITH 100 FACES VACATION FROM LOVE SONS OF THE LEON ROOM SERVICE OVERLAND STAGE RAIDERS DOWN IN ARKANSAS STRAIGHT, PLACE AND SHOW DRUMS, KORDA YOUTH TAKES FLING GARDEN OF THE MOON	Samuel Marx Frank Capra A. Hitchcock MGM Par P. S. Berman Wm. Berke Armand Schaefer D. Hempstead Alex. Korda Joe Pasternak Lou Edelman	Col Col GB MGM Par RKO Rep 20th UA U WB	Rom-Com Comedy Drama Comedy Com Western Drama 20th Drama Com-Dr Musical	A. Shirley-N. Grey-Bellamy J. Arthur-L. Barrymore-J. Stewart L. Palmer-T. Walls D. O'Connor-B. Rice Marx Bros.-L. Ball Three Mesquiteres R. Byrd-Weaver Bros. Edg. Bros.-E. Arlen Sabu-R. Massey-H. Livesey J. McCrea-A. Leeds F. O'Brien-J. Payne-M. Lindsay	John Brahm Frank Capra A. Hitchcock G. Fitzmaurice Jas. Hogan Wm. Seiter Geo. Sherman Nick Grinde David Butler Zoltan Korda Archibald Mayo Busby Berkeley	71 126 72 65 68 55 65 66 101 78 94	9/28 9/7 11/2 10/5 9/14 9/28 9/28 10/5 9/28 9/21
10/7/38	CRIME TAKES HOLIDAY WEST OF THE SANTA FE STARBUCKS MR. WONG, DETECTIVE TOUCHDOWN, ARMY MR. DOODLE KICKS OFF THE NIGHT HAWK MEET THE GILLES THAT CERTAIN AGE BROADWAY MUSKETEERS	Col Col Col Harry Raft W. T. Lackey Par Bob Sisk Herman Schlom Howard J. Green Joe Pasternak Bryan Foy	Col Col Col Mono Mono Par RKO 20th U U WB	Meller Western Com-Dr Mystery Football Com Drama Comedy Mus-Rom Comedy	J. Holt-M. Ralston C. Starrett-L. Meredith W. Beery-M. Rooney B. Karloff-E. Brent J. Howard-R. Cummings J. Penner-J. Travis R. Livingston-L. Travis J. Lang-L. Bari-L. Allen D. Durbin-J. Cooper M. Lindsay-M. Wilson-J. Lital	Lewis D. Collins Sam Nelson W. Beery-M. Rooney Wm. Nigh Kurt Neumann Leslie Goodwins Sidney Salkow Eugene Forde Edw. Ludwig John Farrow	61 89 67 73 75 65 101 100 63	10/5 9/21 10/5 10/5 8/31 10/5 10/5 10/19
10/14/38	FLIGHT TO FAME LADY VANISHES SHADOWS OVER SHANGHAI YOUNG DR. MILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEER THE SISTERS	Ralph Cohn A. Hitchcock Fine Arts Lou Ostrow Geo. Finney Geo. Arthur Bob Sisk K. MacGowan Hal Roach Max Golden David Lewis	Col GB GB MGM MGM Par RKO 20th UA UA WB	Drama Rom-Dr Meller Com-Dr Com-Dr Com-Dr Drama Rom-Com Rom-Com Drama Drama	C. Farrell-J. Wells M. Lockwood-F. Lucas J. Dunn-R. Morgan L. Ayres-L. Barrymore L. Tex Ritter B. Burns-F. Bainter E. Ellis-A. Shirley Dionne Quins-Hersholt F. March-V. Bruce G. Brown-A. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. Alf Hitchcock Chas. Lamont H. Buquet Al Herman Al Santell Garson Kanin H. I. Leeds Norman McLeod Harold Schuster Anatole Litvak	96 66 83 85 73 83 81 83 95	8/31 10/19 10/19 10/12 10/19 10/5 10/12 9/28 10/5
10/21/38	LISTEN, DARLING MYSTERIOUS MR. X MAD MISS MANTON MYSTERIOUS MR. MOTO YOUNG IN HEART SERVICE DE LUXE GIRLS ON PROBATION	Jack Cummings Harry Sherman P. J. Wolfson Sol Wurtzel D. O. Selznick Ed Granger Bryan Foy	MGM RKO RKO 20th UA U WB	Rom-Dr Western Mys-Com Meller Rom-Dr Com Drama	Bartholomew-J. Garland D. Dumbrell-C. Field B. Stanwyck-H. Fonda P. Lorre-M. Maguire J. Gaynor-D. Fairbanks, Jr. C. Bennett-V. Price-Ruggles E. Flynn-B. Davis-A. Louise	Edw. Marin Les Selwyn Leigh Jason Norman Foster Richard Wallace Rowland V. Lee Anatole Litvak	72 74 78 61 91 101 65	10/19 10/12 10/12 9/21 11/2 10/19 10/28
10/28/38	LAW OF THE TEXAN THE LITTLE ADVENTURES THE GREAT WAITZ THE CITADEL MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUZZ THE STORM THE LAST EXPRESS BROTHER RAT	Monroe Shaff Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer B. P. Fineman Gene Markey Ken Goldsmith Irving Starr Robert Lord	Col Col MGM MGM Par Par Par 20th U U WB	Western Action-Dr Musical Drama Drama Drama Drama Spec Drama Meller Comedy	Buck Jones-D. Faye E. F. Feltowes-J. Wells L. Bainer-F. Gray R. Donat-R. Russell F. MacMurray-R. Milland R. Cummings-H. Mack-L. Talbot S. Ellers-L. Bowman T. Power-L. Young C. Bickford-B. McLane K. Taylor-D. Kent W. Morris-F. Lane-J. Wyman	Elmer Clifton D. R. Lederman J. Duivier King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Alban Dwan Harold Young Otis Garrett Wm. Keighley	54 107 112 102 61 67 100 75 60 80	10/26 11/2 10/26 10/26 11/2 10/19 10/19 11/2 10/19 10/19
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY THE LAST RIDE ILLEGAL TRAFFIC RHYTHM OF THE SADDLE ALWAYS IN TROUBLE TRADE WINDS EXPOSED HARD TO GET	Col W. T. Lackey Jeff Lazarus Harold Hurley Harry Grey John Stone W. Wagner Bert Kelly Sam Bischoff	Col Mono Par RKO Rep 20th UA UA WB	Western Meller Mellor-Dr Meller Western Comedy Rom-Com Rom-Com Comedy	B. Elliott-D. Gulliver J. Cooper-L. Gilman A. Tamiroff-F. Farmer J. C. Nash-M. Carr G. Aubrey-S. Burnette J. Withers-A. Treacher-J. Rogers J. Bennett-F. March O. Kruger-G. Farrell D. Fowell-O. de Havilland	Jos. Levering Wm. Nigh Alfred E. Green J. Louis King Geo. Sherman Jos. Santley Tay Garnett O. Max Golden Ray Enright	67	8/31
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER BENGAL JUST AROUND THE CORNER STRANGE FACES TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Chodorov Frank Lloyd Lou Lusty Armand Schaefer Dave Hemmstead Bert Kelly Bryan Foy	Col GB MGM Par RKO Rep 20th UA WB	Drama Drama Rom-Com Drama Rom-Com Rom-Dr Com-Dr Com-Dr Comedy	F. Kelly-L. Gray N. Beery-G. Harker M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Bathbone J. Oakie-L. Ball P. Knowles-R. Hudson S. Temple-C. Farrell D. Kent-F. Jenks G. Farrell-E. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Low Landers Sid Salkow Irving Cummings Earl Tarratt Michael Curtiz	75 100 66 70 62	4/7/37 9/21 10/19 11/2 10/12
11/18/38	THERE'S THAT WOMAN AGAIN THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SHARPSHOOTERS LITTLE TOUGH GUYS IN SOCIETY ANGELS WITH DIRTY FACES	Col Par Cliff Reid Sol Wurtzel Max Golden Sam Bischoff	Col Par RKO 20th U WB	Rom-Com Rom-Com Western Action Meller Drama	B. Douglas-V. Lee B. Hope-S. Ross-Butterworth H. Carey-T. Holt-E. Brent B. Donlevy-L. Bari M. Boland-E. E. Horton J. Cagney-F. O'Brien	Alex. Hall G. Archinbald Glenn Tryon Jas. Tinling Erle Kenton Michael Curtiz	87	10/26
11/25/38	BLONDIE THE SHINING HOUR ARREST BULLDOG DRUMMOND PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL NANCY DREW, DETECTIVE	Robert Searks J. Manekiewicz Stuart Walker Sol Lesser Gene Markey Bryan Foy	Col MGM Par RKO 20th WB	Comedy Drama Musical Rom-Com Drama Meller	P. Singleton-A. Lake J. Crawford-R. Young J. Howard-H. Angel T. Kelly-A. Gillis R. Greene-N. Kelly-Bancroft B. Granville-J. Lital	Frank Strayer Frank Borzage J. Jas. Horan Edw. F. Cline John Ford Wm. Clemens	69	11/2

Advance Production Chart

B'way-H'wood

(Continued from page 1)

Production continues along an even keel, Oct. 26 finding 40 pictures before the cameras, 84 in the cutting rooms, and 96 already previewed or released. Against the season's promise of 580, this leaves the studios with still 380 to produce.

Grand National again returns to the chart, having leveled off to produce

a total of 68 features and westerns for 1938-39. Product will be turned out by various units on the lot, divided as follows to date: Fine Arts, 26; Coronado, six; George Hirshman, six westerns plus several features; Dr. Eugene Frenke, two Anna Sten starrers; and others to be set.

Metro and David L. Lowe got together on release of his last independent production starring Joe E. Brown, "Flirting With Fate."

execs. Proponents of the Wharton plan are hopeful that it will prove acceptable to the Guild heads and general membership.

Wharton's Plan

In general, the Wharton plan calls for revision of the present set-up covering the purchase of screen rights to legit plays. Instead of the present method of bidding for rights, with the playwright the final authority in negotiating the sale, the new scheme would set a regular scale to determine the price. It would work somewhat along the lines of the present legit production contracts, that is, there would be a minimum fee plus added money according to the length of run and the total gross drawn by the show. There are numerous complicated provisions of the plan, but its sponsors think these can be worked out.

Although the Guild has in the past steadfastly refused to consider any revision of its minimum basic agreement, it is reported that there has lately been some agitation among the membership for some solution of the Hollywood boycott problem. Survey made recently by some of the members showed that the number of Broadway productions, which has been steadily declining during the last few years, has continued to drop this season. Claimed by some that the formation of the Playwrights' Co. has tended to react in favor of the lesser-known dramatists, since it has removed the name credit from the list of available plays for the regular commercial producers. According to that thought, several of the established managers are now looking for new authors. That would tend to give a break to the aspiring playwrights, but little production can be financed without increased backing—and that is where the Hollywood coin would come in.

Fix Sales Declined

Another thought advanced by this group of Guild members is that the number of picture sales of legit plays has declined sharply since the establishment of the new minimum basic agreement. It is claimed, only the hit plays have been sold, whereas in former years there were numerous sale of plays for \$15,000 and \$20,000 and similar amounts.

Situation is also compared by film company officials to the condition existing in the legitimate theatre. British capital, it is argued, the theatre is thriving, with more productions than normally, and for the first time even a greater number than in New York. In London, it is observed, the dramatists' organization is comparatively unimportant. Just the reverse is true in Paris, it is claimed. There the number of shows has steadily shrunk, and is currently at its lowest ebb. In Paris, it is argued, the authors' organization is comparatively strong. In New York the Dramatists Guild is very strong. Studio execs see it as hardly a coincidence that the number of current productions in each of these three cities varies inversely according to the strength of the dramatists' group.

Road Biz Off

With the road falling far under normal season observations already wondering what will happen next season unless steps are quickly taken to bring about an upturn in production. Number of touring shows is largely governed by the prevalence of Broadway hits the previous season. Thus, when Broadway has a successful season it generally means most of the hit shows will tour the following season. With the list of hits off last season, the road is slumping this season. And with Broadway skidding further this season, it's feared the road may be on a starvation diet next season.

Although there is a distinctly hopeful feeling in the air that something definite may be accomplished at the Guild's annual meeting next week, there is no positive indication that the organization's council has changed its attitude. The last official expression of opinion on question of revision of the minimum basic agreement was voiced last year by Sidney Howard as president, as retiring president. At that time he expressed satisfaction with the way the contract was working and opposition to any changes. The membership at that time backed his views, and Robert E. Sherwood, who succeeded him as president, has been repeatedly re-elected as being even more firmly than Howard against weakening the basic agreement.

Columbia

	Number of Pict.	Com- Promised	New Shooting	New Balance to in Be Placed	Stories in Rooms	Before Preparation
Features	40	4	3	5	28	28
Westerns	16	4	3	5	18	18
Serials	4	0	0	1	3	3
Total	60	8	3	8	41	41

Pictures now in the cutting rooms or awaiting previews are:

"THE SPIDER'S WEB," formerly titled **"THE SPIDER,"** serial (for 1938-39), produced by Jack Fier for the Irving Briskin unit; co-directed by Ray Taylor and James Horne; screen play by Robert Kent, George Flynn, Basil Diekey, Marty Ransome; photographed by Allen Seigler. Cast: Warren Hull, Iris Meredith, Richard Fiske, Gloria Blondell, Ann Doran, Marc Lawrence, Johnny Tyrrell, Kenneth Duncan, Beatrice Curtis, Charles Wilson.

"BONNIE," produced by Robert Sparks, directed by Frank Strayer; screen play by Robert Flounory from comic strip by Cide Young; photographed by Henry Freulich. Cast: Penny Singleton, Arthur Lake, Larry Sims, Dan Mummert, Dorothy Moore, Kathleen Lockhart, Gene Lockhart, Ann Doran, Gordon Oliver, Stanley Andrews, David Newell, Hooper Atchley, Dick Curtis, Dick Fiske, Fay Helm, Charles Lane, Hal K. Dawson, Walter Soderling, Eugene Anderson, Nelson, Bacon, Bud Jamison, Ien Wulf, James Flavin, Charles Hamilton, Emory Parnell.

"ADVENTURE IN SAHARA," formerly titled **"REVOLT IN THE SAHARA,"** produced by Lou Appleton; directed by D. Ross Lederman; screenplay by Maxwell Shane from original by Sammy Fuller; photographed by Franz Planer. Cast: Paul Kelly, C. Henry Gordon, Robert Fiske, Lorna Gray, Dick Curtis, Marc Lawrence, Stanley Brown, Dwight Frye, Al Bridge, Raphael Bennett, Charles Moore.

"CALIFORNIA FRONTIER," produced by Monroe Shaff; directed by Elmer Clifton; no writing credits released as yet; photographed by Eddie Linden. Cast: Buck Jones, Carmen Balle, Jose Perez, Forrest Taylor, Milton Stone, Stanley Blystone, Ernie Adams, Bob Terry, Carlos Villarias, Soledad Jimenez, Tom London, Billy Blitcher, Paul Ellis, Ray Teal, Carl Matthews.

"LITTLE ADVENTURES," formerly titled **"THOROUGHBREDS,"** produced by Ralph Cohn for the Irving Briskin unit; directed by D. Ross Lederman; screen play by Michael Simmons; photographed by Henry Freulich. Cast: Edw. Fellows, Cliff Edwards, Jacqueline Wells, Richard Fiske, Robert Paige, Helen Brown, Virginia Howell, Charles Waldron.

"HOMICIDE BUREAU," (for 1938-39 release), associate producer, Jack Fier; directed by C. C. Coleman, Jr.; original screen play by Earle Snell; photographed by Benjamin Kline. Cast: Bruce Cabot, Rita Hayworth, Robert Paige, Marc Lawrence, Ed Fetherston, Richard Fiske, Jane Morgan.

"WECKAGE," produced by Larry Darmour; directed by Lewis D. Collins; screen play by Gordon Rigby and Tom Kilpatrick; photographed by James S. Brown, Jr. Cast: Jack Holt, Dolores Costello, Bert Keaton, Addison Richards, Joseph Crehan, Donald Briggs, Holmes Herbert, Carol Wayne, Dorothy Granger, Maxine Leslie, Al Bridge, Emerson Treacy, Jack Rice, Harry Harvey, Ray Bourbon.

"TRAIL OF THE TUMBLEWEED," produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by J. Bennett Cohen; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Dick Curtis, Bob Nolan, Ed LeSaint, Frank Bell, Eddie Cobb, Art Mix, Slim Whitaker, Hal Taliaferro, Ed Peil, Dick Cobler, Robert Fiske.

Columbia Pix New in Production

"THERE'S THAT WOMAN AGAIN," produced by B. B. Kahane; directed by Al Hall; no writing credits released; photographed by Joseph Walker. Cast: Melvyn Douglas, Virginia Bruce, Margaret Lindsey, Marc Lawrence, Lucille Lund, Tom Dugan, Paul Harvey, Gordon Oliver, Stanley Ridges.

"INTERNATIONAL SPY," formerly titled **"SPY RING,"** produced by Jack Fier for Irving Briskin unit; directed by Christy Cabanne; no writing credits released; photographed by Allen Seigler. Cast: Fay Wray, Ralph Bellamy, Warren Hull, Regis Toomey, Walter Kingsford, Lorna Gray, Ann Doran, Paul Whitney, Mae Wallace, John Tyrrell, Dick Curtis.

"LIFE IS CHEAP," produced by Wallace McDonald for Irving Briskin unit; directed by D. Ross Lederman; no writing credits released; photographed by Franz Planer. Cast: Betty Furness, James Craig, Keye Luke, Dick Curtis, Joseph Downing, Honorable Wu, Cy Kendall, Lotus Liu, John Tyrrell.

Grand National

	Number of Pict.	Com- Promised	New Shooting	New Balance to in Be Placed	Stories in Rooms	Before Preparation
Features	50	8	9	5	28	28
Serials	1	0	0	0	1	1
Total	51	8	9	5	29	29

Pictures now in cutting rooms or awaiting previews are:

"SUNSET STRIP CASE," produced by George Hirshman; directed by Louis Gasnier; screen play by Arthur Hoerl and Paul Franklin from Liberty mag story, "Murder on Sunset Boulevard," by Harold Joyce; photographed by Mack Stengler. Cast: Sally Rand, Reed Hadden, Dennis Moore, Sugar Kane, Esther Muir, Vince Barnett, Paul Sutton, Stanley Price, Henry King and band, Lona Andre, Frank O'Connor, Bruce Mitchell, Mary Brodell, Lester Dorr, Eddie Fordon.

Grand National Pix New in Production

"THE LONG SHOT," Fine Arts production for Grand National release; produced by Franklyn Warner; associate producer-director, Charles Lamont; screen play by Ewart Adamson; original story by Harry Beresford and George Callaghan; photographed by Arthur Martinelli. Cast: Gordon Jones, Marshall Hunt, C. Henry Gordon, George Meeker, Harry Davenport, James Robbins, George E. Stone, Dorothy Fay, Frank Darrien, Tom Kennedy, Earle Hodgkin, Emerson Treacy, Guy Seabrook, Lee Phelps, Ben Burt.

Metro

	Number of Pict.	Com- Promised	New Shooting	New Balance to in Be Placed	Stories in Rooms	Before Preparation
Features	50	8	9	5	28	28
Serials	1	0	0	0	1	1
Total	51	8	9	5	29	29

Pictures now in the cutting rooms or awaiting previews are:

"THE GREAT WALTZ," (for 1938-39 season), produced by Bernard Hyman; directed by Julien Duviour; no writing credits released as yet; photographed by Joseph Ruttenberg. Cast: Luise Rainer, Fernand Gravel, Miliza Korjus, Hugh Herbert, Conel Atwill, Minna Gombell, George Houston, Herman Bing, Bert Roach, Christian Rub.

"OUT WEST WITH THE HARDYS," no producer; directed by George Seitz; original screen play by Kay Van Riper, Agnes Christine Johnson and William Ludwig; photographed by Les White. Cast: Lewis Stone, Mickey Rooney, Ann Rutherford, F. H. Colburn, Virginia Weidler, Cecilia Parker, Ralph Morgan, Mona Bryant, Sara Haden, Gordon Ames.

"SPRING DANCE," produced by Edward Chodorov; directed by C. Sylvan Simon; screenplay by Edward Chodorov from play by Philip Barry.

Cast: Lew Ayres, Maureen O'Sullivan, Ruth Hussey, Ann Morris, Joyce Compton, Jacqueline Wells, Burgess Meredith, Frank Albertson, Truman Bradley, Sterling Holloway, Marjorie Gateson, Dick Baldwin.

"THE SHINING HOUR," (for 1938-39), produced by Joseph Mankiewicz; directed by Frank Borzage; screen play by Ogden Nash from play by Keith Winter; photographed by George Folsey. Cast: Joan Crawford, Margaret Sullivan, Robert Young, Melvyn Douglas, Fay Bainter, Frank Albertson, Claire Owen, Roger Converse, Granville Bates, Jimmy Conlin, Hal Rand.

"SWEETHEARTS," (In Technicolor for 1938-39 season), produced by Hunt Stromberg; directed by W. S. Van Dyke; screen play by Alan Campbell and Dorothy Parker; photographed by Oliver Marsh. Cast: Jeanette MacDonald, Nelson Eddy, Mischa Auer, Frank Morgan, Ray Bolger, Herman Bing, Minna Gombell, Gene and Kathleen Lockhart, Raymond Walburn, Lucille Walter, Florence Rice, Reginald Gardiner, Allyn Joslyn, Fay Holden, Olin Howland, Shirley May, Betty Jaynes, Douglas McPhail.

Metro Pix New in Production

"DRAMATIC SCHOOL," produced by Mervyn LeRoy; directed by Robert Sinclair; screen play by Ernest Vajda; photographed by Joe Ruttenberg. Cast: Luise Rainer, Paulette Goddard, Alan Marshall, Henry Stephenson, Gale Sondergaard, Virginia Grey, Ann Rutherford, Lana Turner, Carol Parker, Rand Brooks, Dorothy Granger, Melville Cooper, Marie Blake, Erik Rhodes, Genevieve Tobin, Anthony Allen, Hans Conried, Margaret Lamont, Frank Puglia, Esther Dale.

"STAND UP AND FIGHT," produced by Mervyn LeRoy; directed by W. S. Van Dyke; no writing credits released yet; photographed by Oliver Marsh. Cast: Robert Taylor, Walter Beery, Florence Rice, Helen Broderick, Charley Grapewin, Clinton Rosemond, John Qualen, Barton MacLane, Robert Gleckler, Claudia Morgan.

"KATHERINE, THE LAST," produced by Harry Rapf; directed by Norman Taurog; screen play by Gerald Savary and Jack Mintz; photographed by Clive De Vinna. Cast: Francisca Gaal, Rita Johnson, Barnett Parker, Franchot Tone, Walter Connolly.

"CHRISTMAS CAROL," produced by Joseph Mankiewicz; directed by Edwin L. Marin; no writing credits released; photographed by Sid Wagner. Cast: Reginald Owen, Gene and Kathleen Lockhart, Terry Kilburn, Gene Reynolds, Lynn Carver, Leo G. Carroll, Ann Rutherford, Lionel Braham.

"ICE FOLLIES," produced by Harry Rapf; directed by Reinhold Schunzel; no writing credits released; photographed by Oliver Marsh. Cast: Joan Crawford, James Stewart, Lew Ayres, Ice Follies troupe.

"NEW YORK CINDERELLA," produced by Lawrence Weingarten; directed by Josef von Sternberg; original story by Charles MacArthur; photographed by Charles Lawton. Cast: Spencer Tracy, Hedy LaMar, Fanny Brice, Walter Pidgeon.

"DIO'S DELIGHT," produced by Hunt Stromberg; directed by Clarence Brown; from play by Robert E. Sherwood; photographed by William Daniels. Cast: Clark Gable, Norma Shearer, Laura Hope Crews, Charles Coburn.

"THE WIZARD OF OZ," (Technicolor), produced by Mervyn LeRoy; directed by Richard Thorpe; based on story by Frank L. Baum; photographed by Harold Rosson; for Technicolor, Alan Dazey, Casey Frank Morgan, Judy Garland, Ray Bolger, Bert Lahr, Buddy Ebsen, Charley Grapewin, Billie Burke, Margaret Hamilton, Pat Walsh.

"HONOLULU," produced by Jack Cummings; directed by Edward Buzzell; no writing credits released; photographed by Ray June. Cast: Eleanor Powell, Robert Young, George Burns and Gracie Allen.

Monogram

	Number of Pict.	Com- Promised	New Shooting	New Balance to in Be Placed	Stories in Rooms	Before Preparation
Features	26	4	0	1	11	11
Westerns	16	4	0	1	11	11
Total	42	8	0	3	31	31

Pictures in the cutting room:

"GANGSTER'S BOY," produced by W. G. Lackey; directed by William Nigh; original story by Karl Brown; screen play by Robert D. Andrews; photographed by Harry Neuman. Cast: Jackie Cooper, Lucy Gannan, Robert Warwick, Tommy Wonder, Betty Blythe, Selmer Jackson, Bobby Stone, Bradley Metcalf, Louise Lorimer, Huntley Gordon, William Gould, Herbert Evans, Jack Kennedy.

"GANG BULLETS," produced by E. B. Derr; associate producer, Frank Melford; directed by Lambert Hillyer; original screen play by John T. Neville; photographed by Arthur Martinelli. Cast: Ann Nagel, Robert Kent, Charles Trowbridge, Morgan Wallace, J. Farrell MacDonald, John T. Murray, Arthur Loft, John Merton, Roger Williams, Duke York, Donald Kerr, Carleton Young, Stanley Mack, Harry Strang, Ernie Adams, Isabel Lamall, Martin Spellman, Tom McGuire, Ben Worthington, Earl Kelly, Eddie Hearn, Frank Nelson, Jack C. Smith, Kernan Kripps, Frank LaRue, Frank Hall Crane.

"LITTLE TENDERFOOT," produced by Edward Finney; directed by Al Herman; original screen play by John Rathmell; photographed by Frances Corbey. Cast: Tex Raper, Jim Falkenberg, Mary Ruth, Charles King, Tom London, Snub Pollard, Melvyn Murphy, Frank LaRue, Bob Terry, Ernie Adams, Dave O'Brien, Dorothy Fay, Bud Osborne.

Paramount

	Number of Pict.	Com- Promised	New Shooting	New Balance to in Be Placed	Stories in Rooms	Before Preparation
Studio	51	12	5	13	21	21
Harry Sherman	7	3	1	2	1	1
Total	58	15	6	15	22	22

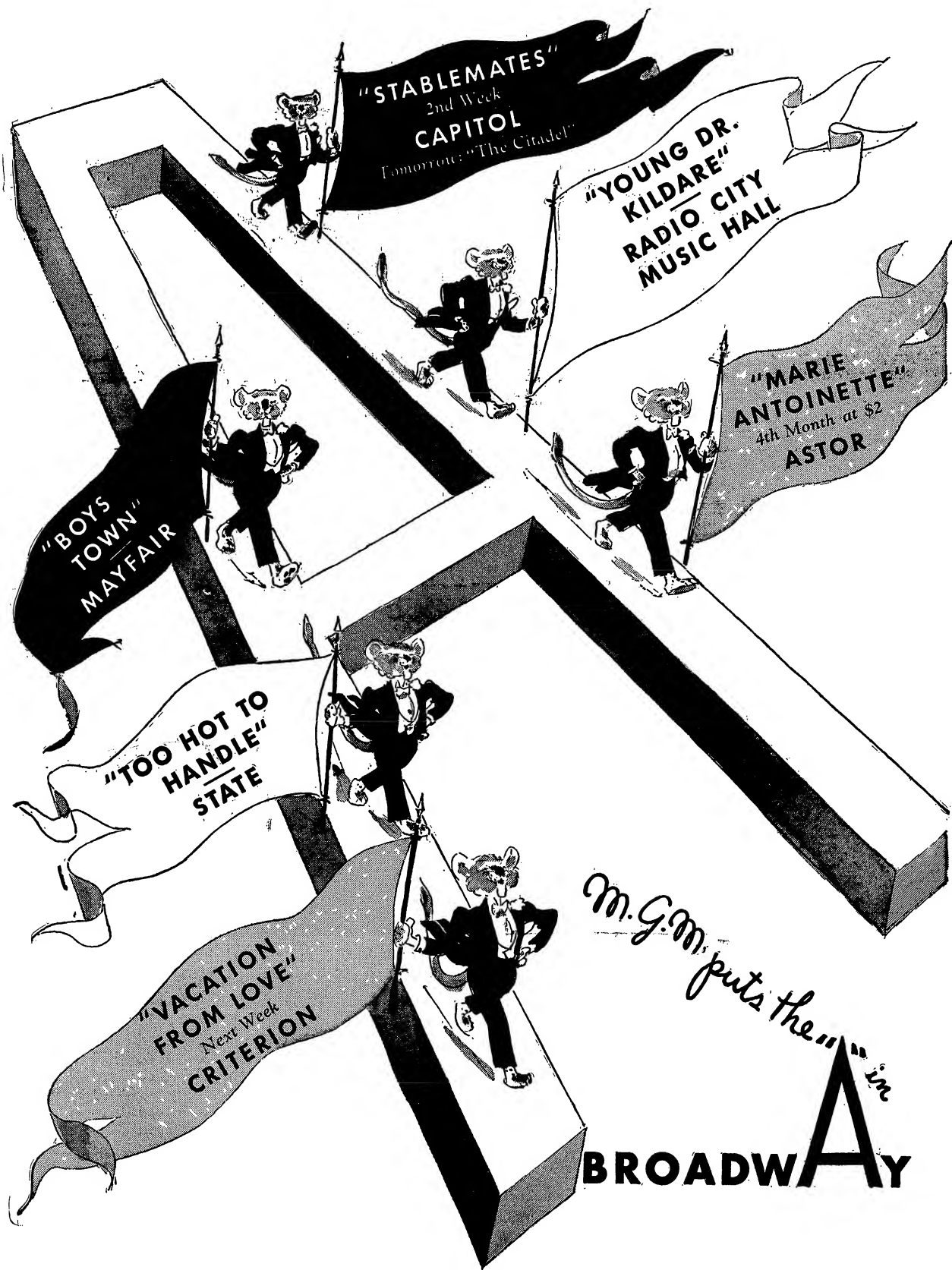
Pictures now in cutting rooms or awaiting previews are:

"PARIS HONEYMOON," (for 1938-39 season), produced by Harlan Thompson; directed by Frank Tuttle; screen play by Frank Butler and Don Hartman; based on a story by Angela Sherwood; photographed by Karl Struss. Cast: Bing Crosby, Francisca Gaal, Akim Tamiroff, Ben Blue, Edward Everett Horton, Shirley Ross, Rafaela Ottiano, Keith Kenneth, George Gay, Nora Gage, Liane Lauda, Sena Jovani, Pauline Lord, Carlo, Evelyn Keyes, Harriette Haddon, Maria Doray, Louise Seidel, Judy King, Janet Waldo, Cheryl Walker, Marion Weldon, Dorothy White.

"ESCAPE FROM LEAVENWORTH," formerly titled **"THE LAST RIDE,"** formerly titled **"ESCAPE FROM YESTERDAY,"** (for 1938-39 season), produced by Jeff Lazarus; directed by Alfred E. Green; original story and screen play by Ferdinand Reyher and John C. Moffitt; photographed by William Mellor. Cast: Akim Tamiroff, Frances Farmer, Left Erikson, Lynne Overman, Vladimir Sokoloff, Wade Crosby, Dewey Robinson, William Newell, John Bleifer, Alex Woloshin, James Flavin.

"ILLEGAL TRAFFIC," (for 1938-39 release), general manager office production; directed by Louis L. D. Hunt; original screen play by Robert Yost, Lewis Foster and Stuart Anthony; photographed by Henry Sharpe. Cast: J. Carroll Nash, Mary Carlisle, Robert Preston, Judith Barrett, Richard Stanley, Richard Denning, John Hart, Philip Warren, Dorothy Howe, Sheila Darcy, Dolores Costello.

"ST. LOUIS BLUES," (for 1938-39 release), produced by Jeff Lazarus; directed by Raoul Walsh; screen play by John C. Moffitt and Malcolm (Continued on page 20)



Advance Production Chart

(Continued from page 18)

Stuart Boylan; based on adaptation by Frederick Hazlitt Brennan of story by Eleanor Griffin and William Rankin; additional dialog by Virginia Van Upp; photographed by Theodor Sparkuhl. Cast: Lloyd Nolan, Dorothy Lamour, Tito Guizar, Jessie Ralph, Maxine Sullivan, William Frawley, Punks Parker, Jerome Cowan, Matt Malneck and His Boys.

"TOM SAWYER, DETECTIVE," produced by Harold Hurley; associate producer, Edward T. Lowe; directed by Louis King; screen play by Lewis Foster, Roy V. Dalton, and Charles MacArthur; based on the novel by Mark Twain; photographed by Ted Tetzlaff. Cast: Donald O'Connor, Billy Cook, Porter Hall, Philip Warren, Janet Waldo, Clara Blandick, Elizabeth Risdon, Edward Pawley, Ella McDaniel, Oscar Smith, William Haade, Stanley Faye, Harry Worth, St. Jenks, Clem Bevans, Raymond Hatton, Howard Mitchell, Monte Blue, Roy Van Dusen, J. J. Danahy, Jr., Murdock MacQuarrie, Billy Engle, Eugene Jackson, Robert Homans, Jane Keckley, Elsie Bishop, Lon Short, Lon Poff, Albert Hart, Tyler Brooke, Ethel Clayton.

"KING OF CHINATOWN," executive producer, Harold Hurley; associate producer, Stuart Walker; directed by Nick Grinde; screen play by Lillie Hayward and Irving Reis; based on story by Herbert Biberman; photographed by Leo Tover. Cast: Anna May Wong, Akim Tamiroff, J. Carrol Naish, Anthony Quinn, Roscoe Karns, Bernadine Hayes, Philip Ahn, Sidney Toler, Ray Mayer, Alex Pollard, Sam Ash, Charles Townbridge, Archie Twitchell, George Anderson, Muriel Gordon, Lillian Darcy, Wong Chung, Richard Denning, Judy King, Dolores Casey, Dorothy Dayton, Paula De Carlo, Harriette Haddon, Helaine Moler, North Gale, Gwen Kenyon, Charles B. Wood, George Magrill, Lily King, Ethel Clayton, Guy Usher.

"SALES OF THE SANGRE," produced by Harry Sherman; screened by Leslie Selander; based on story by John G. Saxe; directed by Russel Harlan. Cast: William Boyd, Russell Hayden, George Hayes, Stanley Ridges, Ruth Rogers, Frederick Burton, Jack Rockwell, Roy Barcroft, Ed Cassidy, Sherry Taney, Jim Carey, Bruce Mitchell.

"LITTLE ORPHANS," produced by John G. Saxe; directed by Ben Holmes; screen play by Budd Christy, Sam Oltz, from story by Andre Bohem and Samuel Ornitz; photographed by Fred Redman. Cast: Ann Gillis, Robert Kent, Jane Travis, Ian MacLaren, Margaret Armstrong, J. M. Kerrigan, Dorothy Vaughan, James Burke, Charles Wilson, Sara Padden, Harry Bump, Roy Van Dusen, Carl McDonald, Vincent Lombardi, Eddie Gribbon, Dick Rich, Harry Tyler.

"DISBARRED," produced by Harold Hurley; directed by Robert Flory; screen play by Lillie Hayward and Robert R. Pressnell from story by Harry Sauber; photographed by Harry Fischbeck. Cast: Gail Patrick, Otto Kruger, Robert Preston, Sidney Toler, Helen Mackellar, Clay Clement, Edward Marr, Olin Howland.

"AMBUSH," G.M.O. production; associate producer, William Wright; directed by Kurt Neumann; screen play by Laura and S. J. Perelman based on a story by Robert Ray; photographed by William Mellor. Cast: Gladys Swarthout, Lloyd Nolan, William Frawley, Ernest Truex, William Henry, Hartley Tufts, Rufe Davis, Brod Crawford, Antonio Moreno, Harry Fleischman, John Hart, Raymond Hatton, Robert Greig, Richard Denning, Clem Bevans, Mack Hoffman, Jr., Jim Pierce, Eddie Acuff, Al Hill, Frank Meredith, Ted Oliver, George Kellford, Polly Moran, Mary Zehner, Ethel Clayton, Wade Boteler, Sidney Toler, Dolores Casey, Dorothy Dayton.

"ZAZA" (for 1938-39 season), produced by Albert Lewin; directed by George Cukor; screen play by Zoe Akins; from play by Pierre Berton and Charles Simon; photographed by Charles Lang. Cast: Claudette Colbert, Herbert Marshall, Bert Lahr, Helen Westley, Constance Collier, Genivieve Tobin, Rex O'Malley, Rex Evans, Walter Catlett, Robert C. Fischer, Ernest Cossart, John Sutton, Michael Brooke, Philip Warren, Alexander Leftwich, Janet Waldo, Fredrika Brown, Dorothy Dayton, Harriett Haddon, Helaine Moler, Dorothy White, Duncan Renaldo, Hala Linda, Tom Kietz.

"THANKS FOR THE MEMOIR" (for 1938-39 season), executive producer, Harold Hurley; associate, Mel Shauer; directed by George Archambaud; from play by Albert Hackett and Frances Goodrich; photographed by Karl Struss. Cast: Bob Hope, Shirley Ross, Charlie Butterworth, Otto Kruger, Hedda Hopper, Eileen Rodgers, Laura Hays, Eileen Rodgers, Eileen Rodgers, Patricia Wilder, Edith Anderson, Jack Norton, Edwina Howard, Evelyn Venable, William Duncan, Clara Kimball Young, Charles Hughes, Dickie Jones, Roy Barcroft, Emily Fitzroy, John Beach.

"ARREST BULLDOG DRUMMOND," formerly titled **"SCOTLAND YARD VS. BULLDOG DRUMMOND"** (for 1938-39), produced by Stuart Walker for Harold Hurley unit; directed by John G. Saxe; original story by H. E. Sapper; photographed by Ted Tetzlaff. Cast: John Howard, Heather Angel, H. B. Warner, Reginald Denny, E. E. Clive, Elizabeth Patterson, George Zucco, Jean Fenwick, Leonard Mudie, Clyde Cook, David Cline, Ferdinand Rogers.

"SAY IT IN FRENCH," produced and directed by Andrew Stone; screen play by Frederick Jackson from play by Jacques Deval; photographed by Philip Milner. Cast: Ray Milland, Olympe Bradna, Irene Hervey, Janet Beecher, Mar. Carlisle, Ethel Rhodes, Walter Kingsford, Holmes Herbert, Gertrude Sutton, George E. Stone, William Collier, Sr., Mona Barrie, George P. Huntley, Billy Lee, Joseph P. Swickard, Gwen Kenyon, Jean Fenwick, Grace Goodall, Gus Glassmire, George Hickman, Walter Soderling, Major Sam Harris, Billy Benedict, George Magrill, Richard Denning, Archie Twitchell, Richard Greene, Fred Winslow, Bert Roach, Luana Walters, Joyce Mathews, Harriette Haddon, Byron Foulger, Bernice Pilot, Clara Mackin Blose, Edward Earle, Hooper Atchley, Paul Newlan, George Davis, Ed Cecil, Hayden Stevenson, Dolores Casey, Judy King, Marie Burton, Sheila Darcy, Paula De Carlo, Norah Gale, Helaine Moler, Dorothy White, Ethel Clayton, George S. Grayson.

Paramount Fix Now in Production

"CAFE SOCIETY," produced by Jeff Lazarus; directed by Ed H. Griffith; no writing credits released; photographed by Ted Tetzlaff. Cast: Madeleine Carroll, Fred MacMurray, Shirley Ross, Claude Gillingwater, Allyn Joslyn, Don Alvarado, Mira McKinney, Hilda Plowright, Dorothy Tree, Helen Briggs, Raymond, Ruth Rogers, George E. Stone, William Collier, Sr., Mona Barrie, George P. Huntley, Billy Lee, Joseph P. Swickard, Gwen Kenyon, Jean Fenwick, Grace Goodall, Gus Glassmire, George Hickman, Walter Soderling, Major Sam Harris, Billy Benedict, George Magrill, Richard Denning, Archie Twitchell, Richard Greene, Fred Winslow, Bert Roach, Luana Walters, Joyce Mathews, Harriette Haddon, Byron Foulger, Bernice Pilot, Clara Mackin Blose, Edward Earle, Hooper Atchley, Paul Newlan, George Davis, Ed Cecil, Hayden Stevenson, Dolores Casey, Judy King, Marie Burton, Sheila Darcy, Paula De Carlo, Norah Gale, Helaine Moler, Dorothy White, Ethel Clayton, George S. Grayson.

Paramount Fix Now in Production

"PERSONS IN HIDING," G.M.O. production; associate producer, Edward T. Lowe; directed by Louis King; no writing credits released; photographed by Harry Fischbeck. Cast: Patricia Morrison, Lynne Overman, William Henry, Elizabeth Risdon, Richard Carle, Charlotte Wynters, William Frawley, Judith Barley, Hartley Tufts, Philip Warren, Richard Denning, Dorothy Howe, Richard Stanley, John Hart.

"PARENTS ON PROBATION," G. M. O. production; associate producer, William Wright; directed by George Archambaud; no writing credits released; photographed by Henry Sharp. Cast: Charlie Ruggles, Mary Boland, Joyce Mathews, Eileen Rodgers, Eileen Rodgers, Eileen Rodgers, Eileen Rodgers, Patricia Wilder, Edith Anderson, Jack Norton, Edwina Howard, Evelyn Venable, William Duncan, Clara Kimball Young, Charles Hughes, Dickie Jones, Roy Barcroft, Emily Fitzroy, John Beach.

"NEVER SAY DIE," produced by Paul Jones; directed by Elliott Nugent; no writing credits released; photographed by Leo Tover. Cast: Martha Raye, Bob Hope, Ernest Cossart, Paul Harvey, Alan Mowbray, Siegfried Rumann, Andy Devine.

"UNION PACIFIC," produced and directed by Cecil B. DeMille; associate producer, William H. Pine; location director, Arthur Rosson; no writing credits released; photographed by Philip Milner. Cast: Barbara Stanwyck, Joel McCrea, Robert Preston, Akim Tamiroff, J. Carrol Naish, Luana Walters, Joyce Mathews, Harriette Haddon, Byron Foulger, Bernice Pilot, Clara Mackin Blose, Edward Earle, Hooper Atchley, Paul Newlan, George Davis, Ed Cecil, Hayden Stevenson, Dolores Casey, Judy King, Marie Burton, Sheila Darcy, Paula De Carlo, Norah Gale, Helaine Moler, Dorothy White, Ethel Clayton, George S. Grayson.

"ARIZONA BRACELETS," produced by Harry Sherman; directed by Leslie Selander; based on original story by John Rathmell; additional dialog and sequences by Harrison Jacobs; photographed by Russel Harlan. Cast: William Boyd, Russell Hayden, George Hayes, Charlotte Wynters, Russell Hopton, Eileen Rodgers, Eileen Rodgers, Eileen Rodgers, Eileen Rodgers, Patricia Wilder, Edith Anderson, Jack Norton, Edwina Howard, Evelyn Venable, William Duncan, Clara Kimball Young, Charles Hughes, Dickie Jones, Roy Barcroft, Emily Fitzroy, John Beach.

RKO-Radio

	Number of Pict.	Number of Com.	Now Promised	Now Shooting	Now in Cutting Rooms	Now in Balance to Be Placed in Preparation
Studio	50	10	5	4	31	31
Sol Lesser	3	0	0	1	2	2
Herbert Wilcox	1	0	0	0	1	1
Total	54	10	5	5	34	34

Pictures now in the cutting rooms or awaiting previews are:

"GUNG DIN" (for 1938-39), produced and directed by George Stevens; screen play by Ben Hecht and Charles MacArthur; photographed by Joe

August. Cast: Cary Grant, Victor McLaglen, Douglas Fairbanks, Jr., Joan Fontaine, Eduardo Cinnelli, Sam Jaffe, Montagu Love, Lumsden Hare, Robert Coote, Abner Biberman.

"RECKLESS BROTHER WITH THE CIRCUS," produced by Sol Lesser; associate producer, Leonard Fields; directed by Edward Cline; no writing credits released yet; photographed by Jack McKenzie. Cast: Tommy Kelly, Ann Gillis, Edna Kennedy, Spunky McFarland, Benita Hume, Faye Helm, William Demarest, Wade Boteler, Grant Mitchell, Nana Bryant, Louie Brecher.

"LAW WEST OF TOMBSTONE," produced by Cliff Reid; directed by Glenn Tryon; screen play by John Twist and Clarence Young; photographed by J. Roy Hunt. Cast: Harry Carey, Anne Shirley, Tim Holt, Evelyn Brent, Allan Lane, Paul Guilfoyle, Bradley Page, Esther Muir, George Irving, Eleanor Hansen, Peggy Carroll, Robert Moya, Jane Woodworth.

"TRAILER ROMANCE," produced by Cliff Reid; directed by Garson Kanin; screen play by Dudley Nichols and John Twist; photographed by Russell Metty. Cast: Lucille Ball, James Ellison, Lee Bowman, Granville Bates, Marlon Moreland, Dick Elliott, Florence Lake, Frank Shannon.

"LAWLESS VALLEY," produced by Bert Gilroy; directed by Dave Howard; screen play by Oliver Drake; original by W. C. Tuttle; photographed by Harry Wild. Cast: George O'Brien, Jack Sutton, Walter Miller, George Burton, Bob Clark, Walter Peterson.

"RKO-Radio Pictures, New in Production"

"THE PURE IN MIND," formerly titled **"SAINTS WITHOUT WINGS,"** produced and directed by P. J. Wolfson; original screen play by Albert Beis; photographed by Roy Hunt. Cast: Anne Shirley, Roger Daniel, James McCallon, Walter Ward, Charles Powers, John Fitzgerald, Frank Mel, Paul White, Alan Baxter, Walter Teley, Arthur Hohl, Fred Kohler, Sr.

"LOVE AFFAIR," produced and directed by Leo McCarey; no writing credits released; photographed by Rudolph Malt. Cast: Irene Dunne, Charles Boyer, Lee Bowman, Maria Ouspenskaya, Maurice Moscovitch, Fred MacMurray, Sidney Becket.

"PACIFIC LINE," produced by Robert Sisk; directed by Low Landers; original by Anthony Colclough and Henry Roberts Symonds; screen adaptation by John Twist; photographed by Nick Musuraca. Cast: Victor McLaglen, Chester Morris, Wendy Barrie, Alan Hale, Barry Fitzgerald, Paul Guilfoyle, Allan Lane, John Wray, Douglas Walton, Walter Miller.

"THE GREAT MAN VOTES," produced by Cliff Reid; directed by Garson Kanin; original by Gordon Matherly Hillman; screen play by John Twist; photographed by Russell Metty. Cast: John Barrymore, Peter Holden, Virginia Weidler, Donald MacBride, Jeanette MacDonald, Katharine Alexander, Elizabeth Risdon, Granville Bates, Luis Alberni, Clarence Kolb, J. M. Kerrigan.

"THE CASTLES," produced by George Haight; directed by Henry Potter; no writing credits released; photographed by Robert De Grasse. Cast: Fred Astaire, Ginger Rogers, Walter Brennan, Lew Fields.

Republic

	Number of Pict.	Number of Com.	Now Promised	Now Shooting	Now in Cutting Rooms	Now in Balance to Be Placed in Preparation
Total	59	8	2	6	43	43

Pictures in the cutting rooms or awaiting previews:

"SANTA FE STAMPEDE," produced by William Berke; directed by George Sherman; screen play by Luci Ward and Betty Burbridge; original by Luci Ward; photographed by Reggie Lanning. Cast: John Wayne, Ray Corrigan, Max Terhune, Joe Marte, William Farnum, LeRoy Mason, Martin Spellman, Genee Hall.

"COME ON, RANGER," formerly titled **"TEXAS RANGER,"** produced by Charles E. Ford; directed by Joe Kane; original screen play by Gerald Gargathy and Jack Norford; photographed by Jack Martia. Cast: Roy Rogers, Mary Hart, Raymond Hatton, J. Farrell MacDonald, Purnell Pratt, Lela Chandler, Bruce MacLaren, Harry Woods, Lew Powell, Chester Gunzels.

"ORPHANS OF THE STREET," formerly titled **"STRONGHEART,"** produced by Herman Scholm; directed by Irving Pichel; original screen play by Earl Felton; photographed by Ernest Miller. Cast: Tommy Ryan, Robert Livingston, Joyce Storey, Ace Canine, Harry Davenport, James Burke, Ralph Morgan, Sidney Egan, Victor Kilian.

"HAWK OF THE WILDERNESS" (serial), produced by Robert Becher; co-directed by William Witney and Jack English; no writing credits released yet; photographed by William Nobles. Cast: Herman Brix, Jill Martin, Monte Blue, Ma, Noble Johnson, William Royle, George Eldredge, Snowflake, Dick Wessel, Tom Chatterton, Earl Asakam, Jerry Sheldon, Harry Tracy.

"STORM OVER BENGAL," formerly titled **"BENGAL LANCER PATROL,"** produced by Armand Schaefer; directed by Sidney Salkow; original screen play by Garret Ford; photographed by Ernest Miller. Cast: Patric Knowles, Richard Cromwell, Rochelle Hudson, Colin Tapley, Douglas Dumble, Halliwell Hobbes, Claude Alister, Clyde Cook.

"REX OF THE SADDLE," formerly titled **"RODEO BUSTER,"** produced by Harry Grey; directed by George Sherman; original screen play by Paul Franklin; photographed by Jack Martia. Cast: Gene Autry, Smiley Burnette, Peggy Moran, Pert Kelton, LeRoy Mason.

Republic Fix Now in Production

"WESTERN JAMBOREE," formerly titled **"BLOOM ON THE STAGE,"** produced by Harry Grey; directed by Ralph Staub; screen play by Gerald Gregory from original by Charles Nugent; photographed by William Collier, Sr. Cast: Gene Autry, Smiley Burnette, Jean Rouverol, Frank Darien, Jack Perrin, Jack Ingram, Harry Holman, Ben Hewlett, Ray Talc, Esther Muir, Eddie Dean, Joe Frisco, Edward Roquello, George Walcott, Margaret Armstrong, Kermit Maynard, Frankie Marvin, Davidson Clark.

"RED RIVER RANGE," produced by William Berke; directed by George Sherman; no writing credits released; photographed by Jack Martia. Cast: John Wayne, Ray Corrigan, Max Terhune.

20th Century-Fox

	Number of Pict.	Number of Com.	Now Promised	Now Shooting	Now in Cutting Rooms	Now in Balance to Be Placed in Preparation
Total	55	15	4	9	27	27

Pictures in the cutting rooms or awaiting previews are:

"GIRL FROM BROOKLYN," formerly titled **"BY THE DAWN'S EARLY LIGHT" (for 1938-39 season),** produced by Edward Kaufman; directed by Gregory Ratoff; original by Gene Markey; photographed by Karl Freund. Cast: Warner Baxter, Charles Bickford, George E. Stone, Keye Luke, Arthur Treacher, Willie Fung, Doris Lloyd, Leonid Snegoff.

"EVERYBODY'S BABY," produced by John Stone; directed by Malcolm St. Clair; screen play by Karen DeWolf, Robert Chapin, Frances Hyland and Albert Ray; from original by Hilda Stone and Betty Reinhardt; photographed by Edward Snyder. Cast: Fred Proty, Sally Jane Kane, Spring Byington, Russell Gleason, Ken Howell, George Ernest, John Carlson, Florence Roberts, Billy Mahan, Hattie McDaniel, Marvin Stephens, Claire DuBrey.

"JESSE JAMES" (for 1938-39), in Technicolor, produced by Nunnally Johnson; directed by Henry King; original screen play by Nunnally Johnson; photographed by George Barnes. Cast: Tyrone Power, Henry Fonda, Nancy Kelly, Walter Brennan, John Carradine, J. Edward Bromberg, Brian Donlevy, Douglas Fowley, Jane Darwell, Donald Meek, Ernest Whitman.

"KENTUCKY" (in Technicolor), produced by Gene Markey; directed by David Butler; screen play by Lamar Trotti and John Taintor Foote; from novel, 'Look of Eagles,' by John Taintor; photographed by Ernest Palmer. Cast: Ronald Reagan, Richard Dix, Walter Brennan, Ralph Morgan, Willard Robinson, Douglas Dumble, James West, Charles Waldron, Karen Morley, Ward Robinson, Moroni Olsen.

"SAMSON AND LADIES," produced by Sol Wurtzel; directed by H. Bruce Humberstone; screen play by Robert Ellis and Helen Logan; from original by Hilda Stone and Betty Reinhardt; photographed by Edward Snyder. Cast: Mickey Rourke, Loretta Young, Robert Allen, John G. Wells, June Gale, Quinn Williams, Edward Brophy, John Miljan, Theodore Von Eltz, Chester Clute.

"MR. MOTO TAKES A VACATION," produced by Sol M. Wurtzel; directed by Norman Foster; original screen play by Philip MacDonald and (Continued on page 25)

Big Scramble

(Continued from page 11)

will be completed before the Christmas holidays.

Chertoff's Aud.

Lancaster, Pa., Nov. 1. Harry Chertoff, owner of houses in this city, Litzitz, Lemoine, Steelton, Elizabethtown and Mt. Joy, has purchased the big Auditorium on Cumberland street, near Fifth, Lebanon, Pa., near the center of the business district, and will completely reconstruct the place. It will invest about \$40,000 in improvements.

Erected 20 years ago the hall was originally built for dance and convention purposes, but later a series of ramps were constructed to tilt the floor towards the stage and screen, for film theatre uses. Changes will include a new front and air conditioning.

Deal made by Lebanon County Trust Co., recent owner, and Chertoff.

Omaha, Nov. 1.

Business men at Chester, Neb., built a \$30,000 community building, housing the Auditorium theatre which seats 400. Pictures are shown four nights a week in the new house, just opened.

Philly Makes It Easier

Philadelphia, Nov. 1.

Highly-popular new field has suddenly burst here upon motion picture supply houses and professional lensers. It is the result of an idea that is spreading fast among city's real estate firms, both large and small. Instead of former time-consuming and costly plan of driving prospective purchasers or renters to a picture house, another, they just sit in the realtors' office now and the houses are unreel before them.

Stunt has proven highly popular with the clients, too, for instead of the tiresome running around they formerly endured, a comfortable car suffices for them to see not only the house itself, but shots of the surrounding neighborhood. When a buyer sees a theatre that particularly interests him, that portion of the film is re-shown, and if he still likes it, the real estate man then takes him around.

Firm of David and Austin Nevada were first to use the device here.

'Buck Rogers'

(Continued from page 1)

character of 500 years hence, bizarre weapons of planetary raiders, etc.

Revamping Disks

Hollywood, Nov. 1. Due to hysteria raised by 'War of Worlds' broadcast, Jules Selzer, exploitation head for Hal Roach, was forced to re-reel the transportation bally for 'Topper' takes trip. Script is cued from the orchestra to announce, giving a flash from Hollywood that Billie Burke, suing for divorce, named Constance Bennett as the other woman.

While the situation is based on a sequence in the picture, Roach studio now fears public's gullibility and likelihood it might be accepted as actual.

Selzer is rewriting the script and studio ordered destroyed 200 discs pressed from original continuity.

Judgment of Paramount execs is declared justified in refusing to make a picture from H. G. Wells' book which was bought by the studio four years ago. Although laying out a stiff price for the volume, production heads foresaw possibility of audiences being thrown into hysteria and decided to pass it up. Unlikely any studio will take chance with material as it has first hurdle would be Hays office okay.

United Artists two years ago released a picture produced by Alexander Korda based on H. G. Wells' 'Shape of Things to Come.' Fantastic yarn, although in the super-spectacle class, failed to create much of a stir among American picture fans.

YOU GO YOUR WAY I'LL—

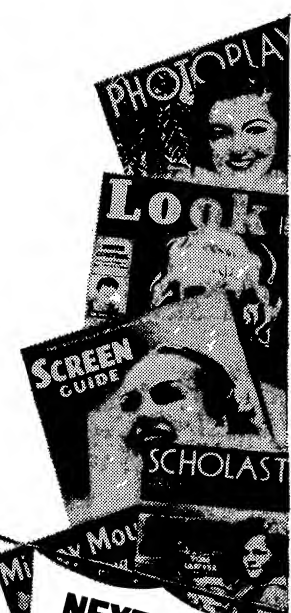
Hollywood, Nov. 1. Gene Autry and Smiley Burnette split up temporarily for separate 10-day p.a. tours. Autry starting in Kansas City and Burnette in Detroit. Partnership is resumed in the next Autry picture at Republic, starting about Nov. 15.

Backed by the most extensive promotional campaign any short feature ever received!

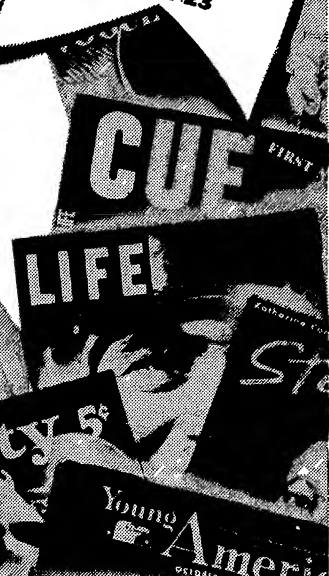
WALT DISNEY'S PRODUCTION OF **FERDINAND THE BULL** IN TECHNICOLOR

Never in all motion picture history have any but the most important feature attractions been given such nation-wide plugging! . . . Stories, articles, art and pictorial layouts, editorials and fashion announcements in magazines whose NET PAID CIRCULATIONS TOTAL 15,542,945! Look at the list already committed: LIFE . . . PHOTOPLAY . . . CUE . . . SCREEN GUIDE . . . VOGUE . . . MICKEY MOUSE MAGAZINE . . . LOOK . . . McCALLS . . . HARPER'S BAZAAR . . . STAGE . . . YOUNG AMERICA . . . MOVIE LIFE . . . LIBERTY . . . WOMAN'S DAY . . . MOVIE STORY . . . THEATRE ARTS . . . SCHOLASTIC . . . ROCKEFELLER CENTER WEEKLY. Add to this a total of sixty-four licensees signed up for one hundred and two separate articles of merchandise. Big window displays everywhere. Big fashion parades in department stores. A PROMOTIONAL CAMPAIGN THAT CAN BE COMPARED ONLY WITH "SNOW WHITE."

Distributed by
RKO RADIO PICTURES



**NEXT DISNEY
RELEASES**
★
MERBABIES
Release Date,
December 9
**MOTHER GOOSE
GOES HOLLYWOOD**
Release Date,
December 23



THANKSGIVING WEEK ATTRACTION AT LEADING FIRST RUNS EVERYWHERE!

Agents Give In to Guild

(Continued from page 7)

plaint of unethical conduct on the part of a member of either guild, and shall report periodically to the board of directors of each guild.

Better Protection Sought

Mass meeting of 850 actors heard 19 points read, adopted a vote of confidence in the SAG agents' committee, and instructed that body to negotiate any deal that would provide better protection for the actors in their dealings with agents. First meeting between actor committee headed by George Murphy, and agents represented by committee headed by Abe Lastfogel, has been held earlier in the day. It was at that time the actors accepted licensing plan.

Another meeting between two groups was held (Saturday) at which time they started to draw up a definite code of ethics. Committees will meet two or three times weekly during the next two weeks to complete draft of pact under which the SAG will control operations of the agents.

Levee, Lastfogel, Bert Allenberg and Judge Byrnes, all AMG counsel, will handle negotiations for the agents. Ralph Morgan, SAG proxy; Kenneth Thomson, executive secretary; George Murphy, Laurence W. Beilenson, SAG counsel, will represent the actors. William Woolfenden will sit in with AMG committee as representative of independent agents, who have been taken in as associate members of the AMG.

Mass meeting of agents suggested that franchisees for agents be limited to the motion picture industry unless they could show definitely that they were qualified to represent actors in the radio and other fields. Another recommendation was whether an actor should be required to pay a fee to his agent when the actor secured a job for himself.

Actors also are opposed to division of commissions between eastern and western agents. It was pointed out that agents might be sent out from the east for specific job, but the New York agent continued to collect half of 10% fee although he was no longer active for the player.

Agents have already agreed to put a stop-gap clause in all contracts written at present. This will provide that contracts later will be made to conform with any type of contract approved by the SAG. All existing contracts also will be made to conform when licensing plan becomes effective.

Principal objections of agents are to one-year contract limitation and cancellation clauses. Actors, however, are certain to hold out for the one-year limitation.

Indie Agents

Following indie agents have been given associate memberships in the AMG: Samuel Arnov, Associated Artists, Ltd., Jessie G. Abbott, Balday Agency, Bob Brandies, David A. Bader, British-American Film Agency, Inc., Claude W. Bostock, Flo Browne, Lee Chadwick-Richard La Marr, Inc., William B. Charney, David Chudnow, Inc., Cornub Agency, Canon-Armstrong, Inc., Crow Casting Agency, Grace Causy Agency, John Colombo.

Don Davis, Gus Demling, Lewis J. Dreger, Richard Donaldson, John Felt, Bill and Sabel Dunn, J. M. Doane, Clara Ellison, Betty Fairfax, C. M. Flashnick, Freddie Fralick, Mitchell Gertz, Gill House & Worthen, Harry M. Gould, Edward T. Henry, Walter Herzbrun, Mrs. Jessie Hirsch, Lou Irwin, Menifée M. Johnstone, Harry Jelen, Alice Kempner, Robert Knowlden, Paul Kohner, Inc., Earl Kramer.

Leon M. Lance, Howard Lang, Ltd., Harry Lenetska, Evelyn Lening, Abe Levine, Harold Leyton, Lichtig & Englander, McQuarrie Agency, Gene Mann, Art Meyer, Middleton-Sackin, Richard Monter, Edw. Gray, Ben McDford, Pereval S. Montague, Newcom & Tully, Inc., Eleanor O'Reilly, Rodney Pantages, Richard K. Polimer, Jack Pomeroy, Fred Robinson, Tom Rooney, Joseph Rivkin, Ritchie-Campbell, Harry Rosen, Sig Sehlagner, Inc., Max Shagrin, Arthur Silber-Edward Thompson, Frank Stempel, William Stephens, Jean Schachtel, Edward E. Smith, Jack Sherrill, David W. Thompson, Granville Walker, David Warner, Richard M. Weed, Wells Agency, William C. Winship, Betty M. Woolkey, Bill Woolfenden, Inc.

Concessions for Indies

Independent Motion Picture Producers Association has agreed to ac-

cept modification agreement of the Screen Actors Guild. The SAG has agreed to extend the 48-hour week for contract players to 54 hours and to substitute straight time instead of time and a half for overtime for day players after 10 hours. These concessions will apply only to westerners and serials. Sam Wolf attorney for Federation, said that SAG had agreed and that contracts would be inked this week. Monogram and Republic have already signed.

The SAG turned thumbs down on request of Indies for slash in pay scales of extras and day players and refused to reduce Guild zone from 300 to 50 miles from Los Angeles.

Charles C. Improper conduct against Duke Lee, former member of Junior Screen Actors' Guild Council, have been dismissed by the SAG board of directors. It was charged that Lee had attempted to organize the extras outside the SAG and secure a charter from the American Federation of Labor.

Central States has reported an increase of 15% in jobs handed out to extras during October. Players will receive approximately \$200,000 from major companies. Total placements for the month are estimated at 18,000.

Senior members of Screen Actors' Guild are voting unanimously in favor of adoption of a new set of by-laws for the organization. Under the new setup extras will be granted a modified form of autonomy. Junior members will be permitted to initiate rules and regulations and to appoint three members of their council to sit with the SAG board of directors, which will have the right of disapproval when such rules and regulations are under consideration.

Lou Anger, v. p. of the United Artists Theatre Corp., has been named as producer representative on permanent board to arbitrate differences that may arise over interpretation of the new Producer-SAG modification agreement. Murray Kinnell will represent the actors, with a third member to be selected by these two.

The Motion Picture Relief Fund has dropped plan to make a survey of extra unemployment situation. Survey will be left to permanent arbitration committee, which has authority to recommend changes in wage scales and working conditions for the extras.

Only Paid-Up Votes

The Screen Writers Guild has notified members that only writers in good standing will be permitted to vote in the annual election of officers on Nov. 9. This is the first time since 1928 have laid down a ruling of this kind, but it is in line with policies of Screen Actors Guild, Screen Directors Guild and other studio crafts. Action probably will cut down total vote, since 50% less writers are employed now than at the same time last year. Charles Brackett, SWG v. p., is unopposed for election to presidency. He will succeed Dudley Nichols who is a candidate for the executive board.

The SWG is expected to appeal directly to the National Labor Relations Board in Washington this week unless Dr. Towne Nylander, NLRB regional director, hands down decision on request of SWG for issuance of unfair labor practice complaints against major film companies. Petition has been under consideration for two weeks.

Jurisdiction fight over employees of Walt Disney Studio was settled when the Federation of Screen Cartoonists agreed before the NLRB to exclude workers claimed by the International Alliance of Theatrical Stage Employees. Society of Motion Picture Film Editors and American Federation of Musicians. Walt Disney was called as a witness, but was excused without testifying after agreement had been reached.

The film cutters were excluded when Walter W. Sharp, Society business manager, testified that the 15 members of the cutters who were members of his organization. Cartoonists then agreed to exclude makeup artists, musicians, grips, property men, lamp operators, projectionists, miniature workers, gaffers, and sound, film and studio technicians, and laborers. The Federation then asked for certification as bargaining representative for the remaining members of the Guild.

Arthur Babitt, proxy of the Federation, testified organization was formed to escape the threat of the IATSE to extend its jurisdiction to the entire film industry. Arthur Keener, payroll clerk for Disney, testified that 875 workers were employed at the studio on Feb. 11, the

date the petition for certification was filed.

Salaries Up to \$500

Clerk also testified that the pay scale at Disney's ranges from \$18 per week to \$500. He said the average weekly pay was between \$50 and \$60. He said all employees are given two weeks vacation with pay.

Clerical workers in most studios have been placed on 5-day, 40-hour week. This schedule will be maintained until companies get a definite ruling on application of the 72-hour law to the film industry.

Studio Utility Employees Local 724 has filed petitions with the NLRB charging that producers have interfered with the right of self-organization of employees by contributing money, property and other gifts to George E. Browne and William Bluff. Browne is international president of the IATSE, and Bluff recently resigned as his personal representative and head of the IA Coast officers.

Petition claims producers coerced workers to withdraw from Local 724 and join IATSE. The SUE asks for representative for the laborers, and that unfair labor practice complaints be issued against the major companies and most of the larger independents with the exception of Republic. Informal hearings on petition will be ordered this week by Dr. Towne Nylander, regional director of the NLRB.

N. Y. NABES BATTLE MARQUEE RULINGS

More than 25 theatres on upper Broadway between 58th and 125th streets are lining up to combat proposed measure, soon to be introduced in the N. Y. city council, which would eliminate all film house marquees. Newswell Theatre, Inc., not only is leading the fight but suggesting an amendment in the present city law, limiting marquees to two feet in height, marquees of nine feet.

This small circuit's new theatre at 72nd street and Broadway is a focal point in the present move which is reported backed by certain real estate interests bucking the invasion of picture houses in this area. New 72nd St. newsreel house has a marquee four feet high as a result of the ruling by the Board of Standards and Appeals. Redress is being asked by realtors on the size of this marquee.

Exhibitors are fighting the elimination of marquees claiming that such an ordinance would do their houses irreparable damage. Several exhibitors operate out this week that the theatre marquees were more attractive than some of those on apartment houses and hotels owned or controlled by real estate interests reported back of the present fight on cinemas. Measure to eliminate marquees in this area is due to be introduced in the city council this month. Exhibitors already have an amendment drawn up which would extend the two-foot limit to nine feet in this district.

To those in the trade, present squabble appears to be a spite fight instigated by certain realtors despite the fact that the West Side Realty Association is purported to be among backers of the measure for marquee elimination. But sweeping nature of proposed measure would hit important operations of both Loew and RKO circuits besides several independent houses.

RKO Routing Horrors

Following the booking of 'Dracula' and 'Frankenstein' for the Albee, Brooklyn, where current, RKO is taking the brace of chillors for the rest of the circuit. Pictures will be played together on double bills.

These two old Universal horror items and much older Valentino silents have enjoyed their best business among reissues this season.

TITLE CHANGES

Hollywood, Nov. 1. Release title of 'Blood of the Sage' at Republic is 'Western Jamboree'.

Republic changed 'Texas Ranger' to 'Come On, Rangers'.

'Rose of Washington Square' is new tag for 'Bovary Nightingale' at Fox-Box.

Universal changed two tags: 'West Side Miracle' to 'Secrets of a Nurse,' and 'The Dead Don't Care' to 'The Last Warning.'

MAN WITH 100 FACES

(Continued from page 22)

hurt its draw; while music and word-of-mouth will likewise be tough, but at least its title should be a come-on for crime film addicts.

From the number of dangling threads and unexplained circumstances, 'Man With 100 Faces' might be the first (or 21st) of a series. Everything from why the hero pulls his quixotic jewel thefts to who the heroine really is and how either of them gets that wa, is still a fog-bound mystery at the finale. Apparently it costs money to tie up the loose ends, for they certainly skimmed on that detail with this low-budget job.

Yarn deals with a fabulous: jewel thief, a sort of Robin Hood with a monocle and a stichel-load of disguises, who robs the rich to endow hospitals and carry on similar public benefactions. He's a typical film Raffles, always suave, always at the service of a lady in distress, always just a jump ahead of the cops and always thwarting the common run of robbers who merely steal for their own profit. He also runs strictly in the groove by having a beautiful and hysterical gal in love with the illusive light-fingers. It's all completely implausible, but things keep happening fast enough to maintain interest.

Albert de Courville's direction overlooks any suggestion of logic in the story, and sizzles the melodramatics. It's a mainly stereotyped job only partly redeemed by what appears to have been a fairly intriguing original novel. Tom Walls bangs the more obvious features of the plot of the 100-episode serial. Palmer makes a comely heroine, though her looks are somewhat dimmed by bad lighting. She uses her voice with expressive quietude and acts as eloquently as the direction permits. Others in the film are standard. Hobe.

VERWEHTE SPUREN

('Covered Tracks')

(GERMAN-MADE)

Berlin, Oct. 17.

Tobis release of Molekule Film. Directed by Veit Harlan. Features Kristina Soederbaum. Story by Richard Schickel, Screenplay by Hans Harber, Felix Zuckendorf and Harlan; music, Hans Oettermann; camera, Bruno Mondy; editing, Heinrich Lutz at Gloria Palast. Running time, 92 mins. Madeleine Lawrence.....Charlotte Schulz Dr. Moritz.....Kristina Soederbaum Head of Police.....Friedrich Kaiser Chief of Bureau.....Leo Pavesler Dubois.....Leo Pavesler Domperiere.....Jakob Tiedke Colonel.....Edmund Eickhardt Gustave.....Hermann Wagner Dini Etouet.....Paul Dahlke Editor.....Hans Stiecher Editor.....Paul Bittl

Peak purse expended by Tobis exists on this drama is likely to exceed the returns. Initial drawback is failure of screen writer trio. Original theme, supposedly authentic, has already intrigued numerous writers among them, Alexanders Woollett, who gives an unembellished account of the legend in his 'Vanished Lady.'

Weakness of story is padded by the director, who sets it into a bulbous frame of debatable taste, which often crams the one-thread yarn completely out of the picture.

After starting off with a whim, tale twines into practically a monolog for the young girl, Seraphine, in search of her mother who had vanished overnight. Failure to find the slightest trace of her whereabouts brings girl near madness. Until slight clue unravels mystery. Mother was a victim of the black plague and in this a case of a woman who was a victim of the 1887 world exposition—her death was hushed up to the extent of completely erasing it from all registers.

Carrying role, altogether her second, was in the hands of the young Kristina Soederbaum. Girl has exceptional ability but is led by director to overplay. Her mother's partner, Fritz von Unge, plays a goodly role but is ready when the final pinch is due. Rest of big cast gives added weight to the picture. Trask.

LUMIERES DE PARIS

('Lights of Paris')

(FRENCH-MADE)

(WITH SONGS)

Paris, Oct. 20.

Paris Film release of M. M. production. Stars Tino Rossi; features Conchita Montenegro, Michele Alfa, Raymond Cordy. Directed by Richard Pottier. Screenplay, Rene Pujol; dances, Jacques Chabert; music, Maurice Simons; Jean Sauterelle; camera, Court Courant; Claude Renard. At Rex Cinema, Paris. Running time, 93 mins. (Cast: Tino Rossi, Michele Alfa, Conchita Montenegro, Raymond Cordy, Jean Sauterelle, Pujol, Moulin, Georges Flicau, Carlette.)

The best film Tino Rossi has done to date, 'Lumieres de Paris' is a more worthwhile musical attempt than usual. Rossi is a good singer, dealing with a music hall idol faced for poor working girl and keeping his identity a secret until the happy ending. But it's not without

some good comedy and a movement that carries well throughout.

Rossi has good support and film will do better than his previous pictures, with a corresponding better chance abroad. Settings are above French average with Jacques Charles adding the with-it touch to his dances, done by the Blue Bell girls.

Set in the revue metier, where Rossi is already established with the femmes, yarn sees him meeting the girl Michele Alfa through friend secretary, Raymond Cordy, at inexpensive cafe. Secret is guarded until theatre publicity man learns of romance. Girl then disappears but is brought back for reconciliation when on an opening night temperamental femme lead refuses to go on. So Rossi takes girl out of audience to pinch-hit. Hakim has wisely not overloaded it with Rossi's songs for even though they're popular in many sections of France, the type doesn't click everywhere.

Cordy is given his first big chance with light and song, and does the most with it. Miss Alfa shows well with a bigger part than usual. Conchita Montenegro takes care of the temperamental femme lead excellently while Marie Bizet adds to the comedy. Photography for the most part is good but lighting of stage scenes could be improved. Songs are sweet and somewhat drippy, but up to Rossi's alley. Hugo.

KONZERT IN TIROL

('Concert in the Tyrol')

(AUSTRIAN-MADE)

Berlin, Oct. 19.

Tobis Film release of Windrose Film. Stars Tino Rossi, Conchita Montenegro, Michele Alfa, Raymond Cordy. Directed by Richard Pottier. Screenplay, Gerhard Schickel and Erwin Kreuzer; music, Hans Oettermann; camera, Georg Bruggemann; at Ufa Kuratorium. Running time, 92 mins. (Cast: Tino Rossi, Conchita Montenegro, Raymond Cordy, Erwin Kreuzer, Hans Oettermann, Georg Bruggemann, Ufa Kuratorium.)

Competent vehicle, to exploit singing and acting propensities of the Vienna Choir Boys. Top-trained chorus of tots, known in the States as a concertizing body, shows exceptional suitability to screen work. General audience could be won by building up this youthful flock.

Though no individual names are listed on screen or program, there are marked instances of strong single talent. Lead singer, Hans Hot, bend has always been used in costume sketches included in their musical bill-of-fare.

Tyroler mountain setup, village school with a music room, singing as well as an impromptu concert at the leading sports hotel give the kids a chance to sing. Wrapped around it is the school story love story and a criminal conflict, brought in by the blundering heavy out for the same girl. It is up to the boys to clear the debris for a happy end and the school boys give some nice bits of comedy in their favor.

Director Karl Heinz Martin has a refreshing way with the youths. By now, Heil Finkenzerler has played enough mountain bairns to be sick and Hans Hot is a natural and likeable dominie. Elfriede Gerhart, as Sylvia, is a new, promising looper. But criticism, at least prevention, is a good, but after camera and lighting are tough on the eye.

Snipping of some tune footage, especially of the concert scene, will give the film even better chances. Trask.

STORY BUYS

Hollywood, Nov. 1. Universal bought Dr. James Edward's novel, 'Murder in the Surgery.'

Charles Francis Royal sold 'A Knight in Ghost Town' to RKO.

Paramount purchased 'Mr. Will Shand's original, 'Grand Jury Secret.'

Richard Ren'ish sold his 'Hot Pinno' to Metro.

RKO bought H. C. Potter's original, 'What's a Few For?' from Metro.

Metro renewed 'The Nickel Show,' by Vera Caspary.

'Madame Pompadour' old time musical comedy, bought by Metro. Warner Bros. 'Foolish Wives in the Dark,' London stage play.

STUDIO CONTRACTS

Hollywood, Nov. 1. Smith Dawless signed to write contract by Warners.

Metro picked up Gale Sondergaard's story.

Paramount renewed William Henry's player ticket.

Corey Ford signed to write pact by Hal Roach.

Heath Azel inked two-picture deal at Paramount.

Universal lifted Hans Berger's player option.

Howard Horton signed two-picture director deal at Monogram.

Universal renewed Jerry Sackheim's pact as executive assistant to Cliff Work.

They're Blazing Away Now!



GIRLS ON PROBATION

WARNERS' NEW EXPLOITATION SENSATION!

Hollywood, Nov. 1.

PHONE HOLLYWOOD 2211

HOLLYWOOD PANTAGES THEATRE CORPORATION
6233 HOLLYWOOD BOULEVARD
HOLLYWOOD, CALIFORNIA

October 27, 1938

Columbia Pictures Corporation
729 Seventh Avenue
New York City

Gentlemen:

We are happy to report that YOU CAN'T TAKE IT WITH YOU has broken every attendance and box office record, during its day and date run in the Pantages Hollywood and RKO Hillstreet Theatres. This is also the first time since we have been operating these two houses on a day and date policy, that any attraction has been held over for five weeks, and according to present business indications, the picture will be held for six!

When you consider that we have a combined seating capacity of 6000 seats, I believe this engagement constitutes an all time record for the City of Los Angeles, and is ample evidence of the great pulling power of the picture and the enthusiastic word of mouth publicity it has been receiving from the thousands who have seen it.

Kindest regards,

Rodney Pantages

RAP VT

EXPLOITATION

By Epes W. Sargent

Hooked to a Crash

Atlanta. Of course, exhibitors can't expect Eastern Air or other aerial transportation lines to burn up \$30,000 airplanes or endanger the lives of 14 people, but when such a thing happens, as it did just a short time ago near Montgomery, Ala., managers with 'Men with Wings' booked can cash in. That's what Hudson Edwards, mgr. of Lucas & Jenkins' Fox theatre, did.

Edwards set wheels in motion and ordered three airplanes plus a pilot to present to Capt. Dave Hisson, pilot; Clyde Russell, co-pilot, and Frank Gibbs, flight steward, heroes of crash, on Fox stage night 'Wings' had its Southern premiere. Presentations were made by William K. Jenkins, followed by bestowal of honorary colonelcies to trio by Downing Musgrove, secretary to Gov. E. D. Rivers. Presentations all this and aftermath was good for plenty of space in all three local papers.

Previous to this Edwards previewed 'Wings' for Eastern Air officials and personnel, screening being attended by Capt. Eddie Rickenbacker, prez of EAL, who was presented with scarf similar to those worn by World War flyers upon which were autographs of flyers who took part in filming of pic and EAL's flight personnel. This was also good for art and stories in all three papers. Edwards also had a valuable tie-in with Atlanta Journal on an 'old subscriber' group, in which paper selected a group of its oldest readers and brought them to the theatre. He opened and had them as guests of paper, including trip to municipal airport and attendance at theatre at time presentation of plaques were made.

Waltzing 'Em In

Seattle. With co-op of Seattle Star and Trianon ballroom (John Savage) waltz contest being run to bring out local camp couple as bally for The Great Waltz (M-G-M) opening next at Fifth Avenue.

The idea is gettin' daily blurbs in the paper, with free publicity for the pix and theatre. The contests will be staged entirely at the Trianon. Eddie Rivers of Hamrick-Evergreen adv./dept. and Ted Harris, adv. mgr. for the ballroom, where Vic Meyers' band now dishing out the rhythm, are working together on the gag.

Splinter Vets

Marc Lachman, 20th-Fox, has lined up some 20 navy veterans, who actually served in the splinter fleet during World War and has invited them to New York to attend premiere of 'Submarine Patrol' at Romy later this month.

He has also lined up an exhibit of submarine equipment and gear at the Museum of Science at Radio City and persuaded Simon Lake, submarine inventor, to deliver a series of daily lectures at the exhibit.

Staff Grins

Salisbury, N. C. Richmond Gage built up his Jane Withers 'Keep Smiling' picture with a series of newspaper ads, picturing members of his staff smiling, each smiling broadly, and saying the reason for the smile was the picture that was coming, etc.

He also grabbed newspaper space by transporting the entire group of inmates at a nearby orphanage to the theatre to see the picture.

Getting the Props

Maplewood, N. J. For the last act of 'Tovarich' which Frank McCoy and O. E. Wee are presenting at the Maplewood theatre, Maplewood, N. J., this week with Eugenie Leontovich starred, arrangements were made with Philip H. Harrison, local representative of the General Electric Company, to put on the stage a complete G-E kitchen, including electric range, double-tank refrigerator and other electric appliances.

The management has allowed the G-E people to have demonstrators at the matinees, and after the show the women will hear about and will be allowed to explore the latest in kitchenery.

Thanks for Nothing

Lincoln. City Manager Bob Huffman of the Lincoln Theatres Corp., inaugurated courtesy week at the Lincoln, Stuart and Orpheum, during which time if an employee did not answer with 'thank you, sir,' etc., the paper reporting was given a pass to the next week's show.

Made a good gag, and the house was in no danger in any case, because the ushers, cashiers and door-men pull the courtesy stuff unconsciously. Were a lot of people who went to the theatres, however, seemingly for the express purpose of sticking the staff.

Prize Winners

Articmena Association, Inc. sent checks last week to the winners of its contest for the best campaign on 'Son of the Sheik' between July 1 and 15.

Clarence Appel, director of publicity for Shea's Toronto, took the top of \$100, the \$75 award going to W. P. Smith, of the Capital, Amarillo, Tex. Judging took into consideration local conditions and not merely the size of the campaign.

Usual judges from the trade papers.

Jewel for Jingle

Spokane. Buck Seale, assistant manager of the Orpheum, did plenty of promoting on a jingle contest in connection with 'Straight, Place and Show.'

He got a local jeweler to put up a wrist watch for first prize. He placed the contest in the Spokane Press. He got the jeweler to pay for a trailer, which plugged the newspaper, the theatre and the jeweler.

Metro's Pencils

Metro is sending out pencils to advertisement Jeanette MacDonald and Nelson Eddy in the technicolor 'Sweethearts.' Has four-way lead with each sector writing a different color. Seems to be new and a sure-fire novelty if it is available to the exhibitors, as it probably will be.

Anniversary Issue

Ready theatre, Niles, Mich., celebrated its 11th anniversary with a special section of the Weekly Advertiser. Merchants kicked in with four pages of congratulatory ads, with the paper getting a page ride and a half page on the front.

PERILS OF EASTMAN

Hollywood, Nov. 1. Lynn Bari and Preston Foster share top honors in the next 'Camera Daredevil' series picture at 20th-Fox.

Picture goes Nov. 7, with Wally Vernon in a supporting role.

Cold Flood Light Takes Heat Off Studio Theatres

Hollywood, Nov. 1.

Actors who complain about the heat of studio lights are promised relief through a new, cold flood light, giving almost perfect daylight. Heatless lamp, developed in the General Electric lab at Schenectady, is being tried out at 20th-Fox.

Only flaw in the new light is a slight humming sound, scarcely perceptible to the ear but loud enough to be detected by the mike. GE technicians are now working to eliminate the noise.

Theatres-Exchanges

Los Angeles.

Majestic Distributing Corp. is the new company title of All Star Features, recently bought by Sam Decker from Albert Galston and Jay Sutton.

M. J. E. McCarthy joined the Monogram exchange selling staff here, after resigning as salesman for Gaumont-British.

State theatre, Pasadena, damaged by fire last April, was reopened (7) as a 750-seater by California Amusement Co.

Charles Morris, former owner of the Dixon theatre, purchased Sun theatre from J. B. Cunningham.

Dave Cantor's Arrow theatre heavily damaged by fire.

Hay Pesky installed as local branch manager for Majestic Films. He was formerly with Grand National.

New general manager of Esquire and Grand theatres is Frank Gunn, formerly with the City theatre, Cleveland. Houses operate on foreign picture policy.

Herbert Rosner organized Prestige Pictures to handle release of independent pictures. First film the company will handle is 'Moonlight Sonata.'

Harry Vinnicot increased his string of A. theatres to five when he opened the Centro last Tuesday (11).

Fox West Coast is spending \$14,000 to renovate its Long Beach house. Chain is also repairing United Artists theatre in Inglewood.

Charles Buchanan and Bob Wells joined staff of HI Peskay, sales manager of Majestic.

Oklahoma City.

Griffith Amus. Co. announces following managerial shifts: Coy McCullough, formerly assistant of Duncan houses, to manager of same; C. C. Cooke, from Romy, to manager of Lubbock (Texas) houses to manager of Elk City (Okla.); Turner Morrisett, manager at Hominy, to same position at Claremore; Fred Jackson, manager from Claremore to Seminole; Dick Klein, Seminole manager, to Holdenville; David Dallas, Holdenville manager, resigned as the manager of the Kase Theatre, advertising service of Dallas.

J. H. Wilson, who has been operating the Griffith Henryetta houses, as the administrator of the estate of Charles Blaine, late Griffith partner, has been replaced by a regular Griffith man.

E. A. Patchen replaces David Goodman as manager of Standard Theatres' Midwest. Goodman returns to Altoona, Pa., his home town. Ben Langdon and W. B. Shuttice will take over Patchen's publicity work.

Paul Ketchum, former Standard Theatres nabe manager under Pat McGee, has left the Oklahoma Theatre Supply to rejoin McGee in Massachusetts.

Tivoli at Afton, 250 seats, reopened under management of (Miss) Johnnie Garner; W. F. Gilmore reopened his Ritz at Morris; F. H. James opens new Jewel, 200 seats, colored, at Ardmore; Earl Barrett opens new 300-seater at Atoka.

Philadelphia.

Columbus Stamper, operator of Rivoli and Great National, has taken over the Locust (32d st.), now closed. Will make extensive alterations. Last operated by Fred Leopold.

Transit, Allentown, acquired by Joseph Rossmine from Leo Korr. Name will be switched to Cameo.

H. Chertoff has taken over Auditorium, Lehigh, which will be reopened after remodeling.

Uncle Ben Theatre, Laceyville, Pa., purchased by Frank Formano from Edna Dieckman.

Colonial, Egg Harbor, N. J., added to chain operated by Samuel Frank, Hammonton, N. J., exhib.

WB Auditorium, Philly, undergoing alterations, as is Lewen Pizor's Colonial, Phoenixville, Pa.

Birmingham, Ala.

The old Rialto, which has catered to pic patrons here for more than 20 years, closed with the Sunday night performance. Appropriately, the title of the last picture was 'Always Goodbye.'

Inside Stuff—Pictures

Minor execs, producers and writers are doing a first-degree burn over the latest enter-and-exit restrictions on the Metro lot. They are required to check in and out of the lot through the new administration building, a sleeper jump from some of the offices. Only other entrance to the lot is through the publicity building, and that is guarded by a studio cop, who nixes anybody unaccompanied by a runner. Employees who have come and gone for years without passes can't do it now. Even newspaper men are barred from the restaurant on orders from the front office to keep all but employees or escorted visitors from the buildings or lot. Last week agents were restricted to the casting office and merchandise salesmen likewise curbed off the Metro lot.

'Ballerina,' French film which Arthur Mayer and Joseph Burstyn are distributing in the U. S., was originally called 'La Mort du Sygne' ('The Dying Swan'), from the longest in a volume of short stories by Paul Morand. Mia Slavenska, who plays the lead, is currently touring the U. S. with the Ballet Russe de Monte Carlo. She is to be tested by Paramount when the troupe reaches the Coast. It is her first visit to the U. S. Serge Lifar, who did the choreography for 'Ballerina,' sailed for France last week after a quarrel with Leonide Massine, choreographer, director and leading dancer of the Ballet Russe. Men were to have fought a duel in Central Park, N. Y., but mutual friends were reported to have persuaded them to call it off. 'Ballerina' is scheduled to open Nov. 14 at the Little Carnegie, N. Y.

After more than 15 years as film contact and exploitation manager for Grosset & Dunlap, Eddie Edelson and the reprint book house have parted company. Double duties of Edelson now shared by Douglas Peck and Viola Jeremiah.

As film contact man for the publishing company, Edelson's duty was to ascertain popular books skeddied for piratization. Company then went after reprint rights, to bring out a popular-priced edition at or about the time of the picture's release. Scenes from the picture for incorporation in the book, and other tieups, were also arranged by Edelson.

Edict of Hays office applying to non-English languages in films was circumvented by Universal in a simple but roundabout way in 'Scouts to the Rescue.' Rule requires every line of unfamiliar dialog to be literally translated and a copy of the translation filed for o.k. Cast of 'Scouts' includes 50 American Indians who speak nothing but English. 'Technicians, seeking a 'savage' language, reversed the sound track. The Indians' lines were English when they went in and unintelligible gibberish when they came out. The audiences will think they are hearing tribal dialects, and the Hays office will have a perfect translation. Strangely enough, Indian is considered a foreign language in Hollywood.

Latest in a series of dummy experiments was tried by Joe Conway, operator of the Egyptian, Bala-Cynwyd, Pa. Program contained no features, no comedies, no ordinary shorts; made up entirely of 10 travelogs. House caters to ritzy suburban set, but even at that the idea failed to click. His all-Mickey Mouse shows recently did much better.

Film attorneys point to a recent series of alleged copyright infringement suits being withdrawn just as they were about to be reached, as alleged evidence of the fact that the industry is a constant target for litigation, in seeming hope of settlement for 'nuisance value.' However, because of that, the industry refuses to be coerced, although the legal defense is a costly proposition almost every time.

Hotel rooms were so scarce in Cleveland recently during a dairymen's convention that RKO Palace management had to rent cots, installed in the house's dressing rooms, for 30 performers and musicians. Among those who slept in their dressing rooms for the week were Wayne Morris and Johnnie 'Scat' Davis.

L. A. Times inaugurates two pages of film art in color, starting next month. Layouts from the studios will be included in the present ratio section. Hand-tinted color scheme was tried but dropped after two attempts some time back. New experiment will be with Kodachrome negatives.

New York Theatres

There's a Better Show at the **RKO THEATRES**

BEG. FRIDAY, NOVEMBER 4TH
"BROTHER RAT"
Priscilla Lane - Wayne Morris
—ON THE STAGE—
AL DONAHUE Rainbow Room Orchestra
Extra! HUGH HERBERT
STRAND — 25c TO 75c
Broadway and 47th St.

WALLACE BERRY • MICKY ROONEY
"STABLEMATES"
Starts Thursday
"THE CITADEL"
Starts Saturday
CAPITOL
Broadway No. 11289

Loew's STINE
TODAY ONLY
Gable - Loy
"TOO HOT TO HANDLE"
Rudy Vallee Orch.
Starts Thursday
"You Can't Take It With You"
IN PERSON
Milton Berle

7th Av. & 50th St.
"THAT CERTAIN AGE"
ROXY
ALL 25c TO 75c
—On the Stage—
New Stage Show

PARAMOUNT TIMES SQUARE
HELD OVER
—IN PERSON—
"MEN WITH WINGS"
Fred MacMurray
Ray Milland
Louise Campbell
Mark YARROW
and Band
Raymond SCOTT
Quintet
Maxine Sullivan
Ana Miller

RADIO CITY
MUSIC HALL
"THE YOUNG IN HEART"
Spectacular Stage Productions

Advance Production Chart

(Continued from page 25)

Bogart, Gale Page, Billy Halop, Henry O'Neill, John Littel, Harold Huber, Henry Travers, Harvey Stephens.

"SECRET SERVICE IN THE AIR," produced by Bryan Foy; directed by Noel Smith; no writing credits released yet; photographed by Ted McCord. Cast: Ronald Reagan, Irene Rhodes, Rosella Towne, James Stephenson, John Littel, Morgan Conway, Joe Cunningham, Anthony Averill, Larry Williams, Richard Bond, John Ridgeley, Eddie Foy, Jr.

Warner Pix Now in Production

"DARK VICTORY," produced by David Lewis; directed by Edmund Goulding; screen play by Casey Robinson; story by George Brewer, Jr., and Bertram Bloch; photographed by Ernest Haller. Cast: Bette Davis, George Brent, Geraldine Fitzgerald, Humphrey Bogart, Ronald Reagan, Henry Travers, Dorothy Peterson, Charles Richman, Lottie Williams, Virginia Richner, Pierre Watkins.

"OKLAHOMA KID," produced by Sam Bischoff; directed by Lloyd Bacon; screen play by Robert Buckner, Jerome Odlum and Warren Duff; from original by Edward Paramore; photographed by James W. Howe. Cast: James Cagney, Rosemary Lane, Humphrey Bogart, Donald Crisp, Granville Bates, Charles Middleton, Hugh Sothern, Edward Pawley, Ward Bond.

"ADVENTURES OF JANE ARDEN," produced by Mark Hellinger; directed by Terry Morse; no writing credits released; photographed by L. William O'Connor. Cast: Rosella Towne, William Gargan, Dennie Moore, Peggy Shannon, Edgar Edwards, Maris Wrixin, Frankie Burke, Pierre Watkins.

"ALWAYS LEAVE THEM LAUGHING," produced by Sam Bischoff; directed by Ray Enright; screen play by Jerry Wray and Richard Macaulay; photographed by Arthur Todd. Cast: Dick Powell, Gale Page, Ann Sheridan, ZaSu Pitts, Maxie Rosenbloom, Allen Jenkins, Jerry Colonna, Halliwell Hobbes, Granville Bates, Ronald Reagan.

"NANCY DREW, REPORTER," produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by Arthur Edson. Cast: Bonita Granville, Frankie Thomas.

Radio Does U. S. A Favor

(Continued from page 1)

Jumbia Broadcasting has inadvertently done a lot for national defense. It's also being said that the children would have understood the fantasy if their parents hadn't gone off the deep end. (Paradoxically CBS has been a pioneer in barring kid programs of the cliffhanger kind from the air.)

What struck home on the social-military side represented (in its fictional situation) the American Secretary of the Interior as coming on the radio to urge calm and orderly action and saying further that the United States Army was coping with the imaginary emergency. Coincidental with this part of the broadcast story, enough people all over America were doing an aspen-leaf act to present a spectacle probably without parallel.

A War Officer Speaks

Major George Fielding Elliott, army strategist and author of 'The Ramparts We Watch' (Reynold-Hitchcock), points out to *Variety* that panic by the populace is always one of the unpredictables of military and naval planning. The action of the Civil War delegations constantly plagued Washington to have naval vessels stationed outside every obscure seaport. In the Spanish-American war (before wireless) the lack of knowledge of the whereabouts of the Spanish admiral, Cervera, created an Atlantic seaboard panic. Political pressure kept Admiral Mahan in the Hampton Roads instead of leading to join the American fleet in the West Indies. Panic was finally allayed by rigging up old (and useless) Civil War monitors and anchoring them all along the coast with naval reservists aboard.

It's 'the hysterical throb' in announcements, the action of isolating individual cases by wrought-up eye-witnesses, that must be feared from radio, he holds. But Major Elliott stresses that censorship is not desirable in a democracy, where full, unvarnished reports should be given the public, especially in war time, when rumors fly thick and fast, anyhow. 'It is especially then that a maximum of official information helps offset and neutralize unofficial whispers.'

Waves of panic are commonplace. They usually are quickly brought under control, the major points out. There is danger, however, of political pressure, impeding strategy. Exaggerated tales of fighting having 10,000 planes panicked England and France, whereas the cold facts were that Germany has not over 3,000 planes. Radio can spread and radio can control ideas and information essential to national defense.

It is thought that the whole episode which has received enormous front-page publicity by a radio-hating press will not be without its helpful aspects to the broadcasting industry. 'This remains true even though the incident will undoubtedly be lovingly embraced by those who, consciously or unconsciously, want censorship.'

That a sustaining program is capable of making an impact (no matter how) on the entire nation is further proof of the role radio plays in American life.

CBS Not As Concerned

Columbia itself did not take the situation as seriously as the news papers. It was particularly noticed that several dailies with axes to grind or grouches to nurse, where radio or the FCC were concerned, were leaders in laying it on and rubbing it in.

For years radio has broadcast fantastic stories of the kind that caused Sunday night's panic. Notably 'Buck Rogers in the 25th Century' plus others. Two factors, however, must be added in accounting for Sunday's unpredictable reaction which was more incredible than the incredible H. G. Wells fiction story itself. First, the state of the world and the willingness to credit any sudden aggression gave force to the wild rumors that followed a careless listening of the show. Second, CBS employed the 'flash' type of news bulletin which has been so common lately that its use as a dramatic device fell into well-rutted mental paths and was taken, unverified, as literal and not as fiction.

Columbia early Monday announced that it was adopting a policy of dropping the play-within-a-play technique of dramatic presentation. Orson Welles in his own right expressed bewilderment at the reaction and thought that fully adequate safeguards had been taken and that frequent mentions of Mars, death-rays and the other familiar abracada-

bra of weird fiction certainly made it clear.

CBS Statement

Columbia issued the following official statement: 'The Columbia Broadcasting System regrets that some listeners to the Orson Welles' Mercury Theatre on the Air program last night mistook fantasy for fact.

'Announcements were made before, after and twice during the hour that we were presenting a dramatized version of the H. G. Wells fictional novel of the invasion of this world by the planet Mars. Further announcements that the whole incident was fiction were put on the network when telephone calls showed some listeners had failed to realize that they were hearing a play.'

'In order that this may not happen again, the Program Department hereafter will not use the technique of a simulated news broadcast with in a dramatization when the circumstances of the broadcast could cause immediate alarm to numbers of listeners.'

No Names and Addresses

Washington, Nov. 1.

Few minor tragedies were blamed on the broadcast. Such as the woman (unnamed) who was just home from the hospital (unnamed) and pulled the stitches closing her appendicitis scar (the man (unnamed) at Quantico, Va., who drove to Red Cross headquarters (where not stated) to find out where he and his family would be safe.

Flood of telephone calls to WJVS, local CBS outlet, swamped the telephone company. Station operators handled 500 calls, while the telephone company reported 12,000 individual attempts were made to get the transmitter during the excitement. All newspapers received scores of inquiries.

Realistic effect of the program on local dial-twisters was best illustrated by concern which prompted two grocery company executives (not identified) to make inquiries about sending food for the victims of the planetary attack.

Neville Miller's Statement

Statement of Neville Miller, president of National Association on Broadcasters, on the H. G. Wells panic.

'I know that the Columbia Broadcasting System and those of us in radio have only the most profound regret that the composure of many of our fellow citizens was disturbed



"BIG BROTHER"

Years of success with children's programs for sundry sponsors has given Bob Emery the practical ability to contribute to radio merchandising and entertainment problems. 'The King of the Kids' conducts two WOR programs—'Rainbow House,' Sundays at 9 A.M., and 'This Wonderful World,' Saturdays at noon.

BOB EMERY

Sacramento 2-8449

last night by the vivid Orson Welles broadcast.

'The Columbia Broadcasting System has taken immediate steps to insure that such program technique will not be used again. This instance emphasizes the responsibility we assume in the use of radio and renews our determination to fulfill to the highest degree our obligation to the public.'

Nameless Would-Be Suicide

Pittsburgh, Nov. 1.

Unbelievable scenes took place locally, according to newspaper reports. One man (not named) told scribes that upon returning to his home, he found his wife in the bathroom with a bottle of poison in her hands, screaming 'I'd rather die this way than like that.'

Leaders in every walk of life here later called WJAS and newspaper offices and denounced the program as a 'hoax.'

Incredible Coincidence

Seattle, Nov. 1.

Women fainted and men prepared to take their families into the mountains for safe keeping when electric power failed at Concrete, nearby town of 1,000, during the radio program of Orson Welles Sunday night. Just at dramatic point in broadcast reported lights went out in most

When They Say It, They Don't Smile

NBC Is Irked at CBS and Mutual—Boys Will Now Be Themselves

DuPonts Sponsoring?

Panic caused by Orson Welles' CBS broadcast of the 'War of Worlds' inspired one radio wag to observe:

'The Mercury theatre will probably be sponsored by the DuPonts (munitions) starting next week.'

homes of that town. For a time the village verged on mass hysteria because of power failure many persons thought imaginary Martian invasion had reached Washington State.

Elsewhere in Northwest calls poured into newspapers, press and radio bureaus by thousands. In Seattle police station switchboards blanket of white lights from incoming calls from listeners who thought they were hearing bonafide news broadcast. Calls from as far as 200 miles came to radio bureaus here.

Women Get Hysterical

St. Louis, Nov. 1.

Hysteria bordering on panic was manifested here and in the local area during the broadcast of H. G. Wells' imaginary skit Sunday (30), Southwestern Bell Telephone Co.'s lines were jammed with calls from the East for 30 mins. After the broadcast the switchboard at KMOX, CBS outlet, was swamped with 700 calls, 25 of which were long distance.

Four announcements that the program was the 'Mercury theatre on the air' did not allay fear. Some women hired taxicabs to call for children, others behaved equally upset.

At the Strand theatre in St. Charles, Mo., a woman rushed into the house gathered up her children and took them home.

Police queried by phone for advice of the impending disaster and even assurances given that the broadcast was purely fictional did not completely dispel the mood engendered by the skit.

CBS is auditioning two dramatic shows to fill a 15-minute nightly spot. One is 'Charm School,' derived from the 'legit play' of that name, while the other is 'Blondie,' from the comic strip.

Public events divisions of the three networks have each adopted the policy of operating on a lone wolf basis. All deals with any of the other networks are out for the future and there's to be nothing smacking of co-operation whenever the trio, CBS, NBC and Mutual, are engaged in covering any big news event.

Ever since the European crisis NBC has been bawling over the way some rival network has taken advantage of it at such times when it has been inclined to let the competitor in on a foreign tieup. Columbia can't see where NBC is justified in claiming to have been horn-swoggled and feels that it will be better off if from now on it goes its own individualistic way and ignores conferring with NBC on any event that might break. Sentiment at Mutual is of the same stripe.

Until NBC recently started giving the others for allegedly underhanded tactics, the relationship among them was one of friendly enemies and if the other fellow managed to pull a fast one the growl was soon replaced by a laugh and a determination to pay off the score as soon as the chance presented itself. Under the new relationship it will have to be every network for itself and if there's any cutting in on the other outlets' prompt arrangements, the squawk will be pressed to the proper authorities.

Laundry Institute Sifts Radio, Papers, Billboards; Results Due on Dec. 1

St. Louis, Nov. 1.

American Institute of Laundry, which appropriated \$40,000 for an advertiser's test campaign embracing radio, billboards and newspapers in Cleveland during the past year, will announce the results of its survey from its national offices in Joliet, Ill., on Dec. 1. Campaign, and accompanying survey, was made to determine which medium proved best and also to determine which medium should be used on a national scale.

Institute was in convention here last week and it was thought the results of the Cleveland test would be made during the convocation. However, national officers said the survey had not been completed and deferred any announcement until next month.

DOC LEVY EXPLAINS

If Columbia Record Co. Is Acquired CBS Is In Deal

Philadelphia, Nov. 1.

CBS is still interested in acquiring the American Record Corp. (Brunswick, Columbia and Vocalion) and there remains a 50-50 chance that the deal will go through, Dr. Leon Levy, v.p. of the chain and prez of WCAU, declared yesterday. 'Any deal that is set, though, Dr. Levy said, will have WCAU in as a partner with Columbia. Neither will acquire the record company alone. Doc denied a recent report that his brother, the major CBS stockholder, might buy it. He is now vacationing in Hollywood.'

Margaret Wiley, Educated, Returns to Native Chi

Margaret Wiley returned last week to J. Walter Thompson's Chicago branch after taking a course in spot time buying in the New York office. Linnea Nelson, who does both the network and the spot contracting for Thompson, was her tutor.

Boice an Agency V.P.

H. K. Boice, until recently v.p. in charge of sales for CBS, has returned to the ad agency of H. Benton & Bowles. He will concern himself with general agency activity with a title of v.p.

Boice went to Columbia from Lemmen & Mitchell.

'The Family Album,' directed by Dick Morenus, auditioned before several agencies last week, including Compton. Handled by Leibling-Wood test transcriptions.

Washington Reaction to 'Mars Panic'

Washington, Nov. 1.

General reaction in the National Capital to the hysteria caused by the Mars program was one of hearty amusement but the FCC haughtily frowned and got set to measure Columbia's conduct.

Although generally it was believed the regulators will decide to mete out some sort of government, program control. Possibility this may result was shown when Senator Clyde L. Herring of Iowa, who bobbed up as a censorship advocate last year, declared he will renew the fight for legislation requiring advance approval for all broadcasts.

Chairman Frank R. McNinch pointed out, and both government and industry officials agreed, 'the widespread public reaction... is another demonstration of the power and force of radio and points out again the serious public responsibility of those who are licensed to operate stations.' Another observation was that it indicated the jittery state of the population, presumably due to the recent international tension.

Impossible to Anticipate

Point was made frequently in trade circles that Columbia's experience is another sign-post for the entire industry. Impossibility of anticipating such an effect on the public was noted, with industry people agreeing this unfortunate development should make station and network executives even more aware that consideration must be given the fact that radio audience often listens absent-mindedly and is not attentive enough to catch subtle points.

The attitude of most Commission members was to reserve judgment

pending further discussion and reflection. Commissioner George Henry Payne, who has led the drive against horror programs for children and frequently rebuked the industry for bad taste, lost no time, however in hammering away at his familiar theme. Commissioner Paul A. Walker was inclined to be stern, although he conceded there is a distinction between such programs as the Mae West 'Garden of Eden' skit and the summarized version of 'Beyond the Horizon.' Commissioners Thad H. Brown, Eugene O. Sykes and Norman Case did not care to comment.

Careful approach was recommended by Commissioner T. A. M. Craven, who has been fighting any policies that imply censorship. Agreeing with McNinch on the general implications raised, the former Navy officer said 'I feel that the Commission should proceed with the utmost caution to avoid the danger of censorship that will not be broadcast over the radio. I also feel that in this case caution should be exercised so that any FCC action will not tend to handicap development of the dramatic arts in broadcasting. I do not believe that isolated incidents of poor program service necessarily should require revocation of the license of the station at which such service originated.'

Describing the matter as 'serious,' Commissioner Payne once more scored the general attitude of the industry and the failure to consider public effect of sloppy programming. Declared 'people who have material broadcast into their homes without warning have a right to protection. Too many broadcasters have insisted that they could broadcast anything they liked, contending they were protected by the prohibition of censorship.'

Promulgation of general program standards by the FCC, after conference with the industry and public

groups, was believed to be more likely than ever as a result of this incident. Example was set by the CBS statement Monday (31) that 'in order that this may not happen again, the program department hereafter will not use the technique of a simulated news broadcast within a dramatization when the circumstances of the broadcast could cause immediate alarm to numbers of listeners.'

Can't Understand

Inability to understand why droves of listeners should become terrified was expressed in many quarters, even by persons who felt the program showed bad judgment and by individuals connected with the FCC. The bewilderment emphasized the difficulty of measuring the probable public reaction to any novel radio feature, besides prompting jests to the effect CBS had unknowingly conducted a census of highly gullible persons.

Network executives everywhere realized the public's second reaction was one of rage and anger that likely will mean prolonged embarrassment.

Within industry circles there were expressions of regret that such an incident had to occur so soon after the fuss about 'Beyond the Horizon.' View was that it is extremely unfortunate that public resentment was stirred up while the industry is endeavoring to provide programs of higher literary, cultural and educational calibre.

'These Clever Chinese' Remained in the reaction showed a program opposite Chase & Sanborn hour does attract attention were taken seriously by some, who audibly wondered if the web deliberately sought to create a situation which would draw national attention. This view was discredited widely, however, with the argument that anyone as calculating hardly would risk the resulting ill-will.

'HORIZON' CASE HELPFUL

New Jersey-Is-Safe Dept.

Tuned In By Mistake

'What right has America got to be listening to a sustaining shows on CBS?' demanded a Broadway wag Monday, 'C. A. B. has them listening to Chase & Sanborn.'

To which the retort courteous was that Charley the Blockhead was having a bad influence on American thinking powers. Anonymous punner writes in that CBS motto of the moment is 'Orson Welles that ends Wells.'

They Take It Big

One of the explanations offered for the public panic over last Sunday night's (30) Mercury Theatre broadcast was that many listeners may have been alternating between that program and the Chase & Sanborn show concurrent over NBC red. Figured that a number of such dialers stayed on the WEAF program for the early portion filled by Edgar Bergen and Charlie McCarthy. Tuning in on the Mercury show after that, they may have heard the hair-raising H. G. Wells dramatization without the preliminary explanations that it was merely make-believe. Doubtful that any explanation would have prevented some people taking the whole thing in deadly earnest, however. Evidence of the seriousness with which many listeners take radio dramas is the concerned letters numerous dialers write in about the characters and happenings in the daily serial shows.

Seeing Things

Lawyer Bob Broder points out an angle in Mars panic for lawyers from standpoint of reliability of eyewitness accounts at trials, etc. Some of the goofs who ran into streets were quoted as seeing black clouds over city, monsters and machines, etc. Proves how wrong people can be when giving testimony.

Press Agents' Angle

H. G. Wells has a new novel out this week and Orson Welles a new show just opened on Broadway. Press agents emitted little 'ah's' as they dreamed of such a break one day.

Campbell Soup Bankrolls Local Air Show as Employee Relations Gesture

Camden, N. J., Nov. 1.

Campbell Soup is underwriting a weekly half hour over WCAM which confines its talent to employees of the company. Cast for the succeeding program is picked by audition among Campbell employees in the canner's own theatre. Act which gets the most mail on a show is repeated the following week.

No advertising copy is interpolated into the show. Campbell looks on the air entry as part of its employee relations program, and a builder-upper of local good will.

550 Columns Of Air Publicity Out Per Week

Since publication in VARIETY last week of cuts made in radio editors' columns by many newspapers, the following information belatedly came in:

Oregon Journal (Portland, Ore.; evening circulation of 100,680; Sundays, 111,525) has eliminated its radio column, but is continuing the station logs. L. Gilbertson is radio editor.

San Antonio Light (San Antonio, Tex.; evening circulation of 55,119; Sundays, 82,850) has limited the radio columns to news angles. L. Corgi not affected. Renwick E. Cary is radio editor.

Meantime Victor Davis, radio editor of the Dallas Morning News, has sent in an amendment to the material printed last week. His version is: 'The column has been dropped. We run a daily and Sunday lead between 300 and 500 words on spot programs with prominent display. Work has NOT been discontinued. I use cuts two or three times a week and on Sunday.'

The final corrected figures on cuts are: Exactly 550 columns (averaging 20 inches to the column) per week in papers with an ABC daily circulation of 7,046,610. The city carrier limit population (that is, city zone population) of the cities in which these papers are located is 17,137,939.

CALMER VIEWS ON PROGRAMS

Believe Changes Are Imminent in Regulatory Procedures—Treating Radio Producers as Criminals Deplored

GUIDEPOSTS

Meanwhile scrapping of the universally condemned judge-jury-prosecutor procedure of the FCC appeared probable this week coincident with reports that the responsibility of originating stations for programs which may transgress restrictive clauses of the Communications act will be determined in court early next year. Surrender to mounting public and industry criticism was implied Saturday (29) when the Commission announced Attorney General Counsel William J. Dempsey has been instructed to review the regulatory body's authority to punish licensees for violations of criminal features of the statute and to confer with the Justice Department about procedure in acting on complaints.

Abandonment of grand jury-like proceedings against the Minneapolis outlet on 'Behind the Horizon' was not, however a complete victory for the anti-censorship faction within the Commission. It has been merely pushed aside and reputedly will be reopened later with WJZ, New York, the originator of the capsule version of the Eugene O'Neill Pulitzer prize-winner, as the target for bluesocracy.

Adverse public reaction to the horrid stand taken originally against WTCN was shown to have chastened the Commission when tickets were granted several other NBC affiliates which antedated the decade-old play. Unanimous agreement to renew the licenses of transmitters against which no complaints had been filed by listeners preceded the final flip-flop on WTCN.

Commission decision to ponder other ways of enforcing the punitive sections of the statute entirely overshadowed the WTCN renewal and brought expressions of satisfaction from industry spokesmen who have been infuriated by the inconvenience and embarrassment inflicted by the FCC's past procedure with listener yowls. Although no agreement has been reached, universal belief is the Commission will arrange in the future to turn all accusations of improper operation—except for engineering offenses—over to district attorneys for presentation in court.

A Great Help

If this course is followed, the industry will benefit greatly. Constant threat which has been hanging over the business for the past year will be largely dissipated, with possibility of arbitrary vengeance minimized. If the FCC consistently allows the Justice Department to exercise its own discretion about hauling licensees into court. Possibility of economic death for minor and incidental missteps would be almost entirely removed, although the Commission could, of course, take judicial notice of any guilty verdicts in deciding whether to renew licenses in the future. Chief prospective advantage is in discarding the temporary licenses which have kept dozens of stations on the anxious seat and enabled competitors to carry on vicious whispering campaigns and to lure away clients.

Guides to Conduct

Prospective new arrangement would give the industry some dependable guides of good conduct. Instead of the haphazard enunciation of principles by the Commission and the implicit censorship, there would be positive and reliable indications of what constitutes a lottery or gift enterprise, what is obscene, profane, or indecent. Likewise the industry

(Continued on page 31)

NBC Sets Automotive Salute

Although Biz Tally Is Goose-Egg

Nick the Great

Coming out from a luncheon last week, Charles Stevens of Campbell-Ewald, W. E. Hearst, Jr., and Dixie Doyle, the N. Y. Journal radio editor, were halted by a cop who wanted to give young Hearst a ticket for parking. Looking at his license, and looking at Hearst's WH-1 license plate, the cop wanted to know if he was related to 'that feller what publishes newspapers.'

Hearst said, 'Yes, I'm his son.' 'Who else do you know down there?', the cop wanted to know. Hearst, Jr., and Doyle reeled off a string of names. 'Well, do you know Nick Kenny?', the not-yet-satisfied gendarme wanted to make sure.

Even though NBC isn't (for the first time in its history) deriving a single dollar of income from the automotive industry this season, the network proposes to put on a special half-hour program plugging the advent of the new auto models. NBC thinks that the stunt is good business psychology. Not only is anything pertaining to the new models news but if people can be stimulated into buying new cars business in general will benefit.

Date of the broadcast is Nov. 17. It will be the 8 to 8:30 p. m. span on the blue (WJZ) link, with bits of the program being picked up from several parts of the country. Last year a similar broadcast extended over an hour. Auto show in New York is slated to open Nov. 11.

Networks are still confident that they will get some automobile money before the year is ended. Belief prevailing in these quarters is that once the public shows a strong reaction toward the new models, the manufacturers will find the appropriation to cover some special hook-ups.

WCAU Salutes 'Em All

Philadelphia, Nov. 1.

WCAU, strictly as a good-will stunt, will air a 15-minute show daily from the Automobile Show, which opens here on Nov. 11. During the broadcasts, Alan Scott will interview the leading auto company execs present and will give complete descriptions—using names—of all the new cars.

Larry Clinton

Impasse May

Be Settled

Larry Clinton has agreed to tear up his contract for the Old Gold show which starts on CBS Nov. 20. If this waiver goes through, Clinton will give his commercial services exclusively to Quaker Oats Saturday night program and get a 26-week guarantee from the latter account. His present Q. O. agreement assures him of but 13 weeks.

Adjustment for Old Gold is contingent upon the deal that the city's agency, Lennen & Mitchell, works out on a substitute band with Clinton's agent, Rockwell-O'Keefe, Inc. It is understood that Artie Shaw has been submitted for the spot. Shaw is also booked out of the R-O-K office.

Clinton's alliance with Old Gold developed two embarrassing situations for L & M. One had to do with the discovery that he might not be able to accompany Bob Benchley to the Coast after the first of the year, while the other concerned difference over musical policy for the program between A. L. Lynn, executive on the O. G. account, and Hann Holmer, the agency's radio director. Holmer has urged the employment of a production band headed by a CBS staff leader, such as Leigh Stevens, while Lynn favored a swing unit.

Fined \$1,000 for Under Scaling WGAR Sponsor, Mates Appeals to N. Y.

Cleveland, Nov. 1.

Fined \$1,000 by Musicians' Union No. 4 for playing below-scale rates, Frank Mates, local bandleader, has refused to pay it and is carrying his protest to New York union headquarters in an attempt to get a new ruling on his case. Penalty is too exorbitant, says maestro who wants fine reduced and reinstatement.

Mates tangled with union over a program tagged 'In Old Bohemia' over WGAR two months ago, when sponsor asked him to take a cut to keep the series running. Baton-juggler admitted he agreed to accept \$4 rate per man, which was \$2 below union minimum scale, but still declares he received a promissory note from sponsor for remainder.

In attempt to escape fines, Mates even sued the local and its prez, Milton W. Krasny. Such an arrangement is legitimate under union rules, he contended, in asking the court to declare fine illegal. Krasny held that it was an infraction of union laws and liable to punishment, so musician is appealing to New York moguls.

Ma and Pa Story By Govt. Office Set for NBC Blue

Washington, Nov. 1.

Familiar problems of American parents will be the subject of a new series of programs presented by the U. S. Office of Education. It was announced Friday (28) by Secretary of the Interior Harold L. Ickes.

Latest info on runaway youngsters, 'homework', home hygiene and allied subjects will be aired over NBC's Blue Network, from 9:30 to 10 p. m. each Wednesday, starting Nov. 16. Program, 'Wings for the Martins', has been prepared with the cooperation of the National Congress of Parents and Teachers and NBC.

Chats will revolve around the lives of the Martin family, the teachers of their children, their school officials and their neighbors, in an attempt to present well-known household problems in an interesting and amusing form. Series of 26 half-hour radio scripts will be written by Miss Pauline Gibson, New York radio writer. Data was assembled by Assistant Education Commissioner Bess Goodykootz, with Miss Effie Bathurst, Office of Education specialist in curricular problems, and Miss Tolara Cook, Des Moines, Ia., teacher, author and curriculum specialist conducting the preliminary research. Mrs. J. K. Pettengill, prexy of the P.-T.-A., and other educationists lauded the program which will contact more than 26,000 Parent-Teacher associations in the U. S. (membership 2,000,000).

18% Educational

Cleveland, Nov. 1.

Four new educational series for networks have been originated by WHK and Larry Roller, recently appointed educational director. They are increasing winter schedule to point where station calculates it's losing 18% of time to education and religious programs.

HILLBILLY RODEO

St. Louis Crowns Two New Champs—Reaffirms Four Old Ones

St. Louis, Nov. 1.

Two national hillbilly champs were dethroned and four others retained their laurels last week in a contest sponsored by the National Hill Billy Assn. in the Municipal Auditorium with 12,000 natives paying \$6,300 for the privilege of encouraging their faves by cheering, whistling, stamping, etc. 'Banjo' Murphy, champ banjo thumper of 1937 and a member of Pappy Cheshire KMOX galaxy of mountain music makers, lost a close decision to Joe Schirmer. Mary Miccolos dethroned 'Susie, the Gal from the Hills' of WTMW, East St. Louis, as the champ femme yodeler. Natches, the Indian fiddler, did not appear to defend his title and Wade Ray was chosen as his successor. Those who successfully retained their crowns are Frankie Krejcir, accordionist; 'Skeets' Yanev, yodeler; Owen Black, harmonica player, and Cheshire's string band. The Texas Rangers from Kansas City; Fred Harris and his Tennessee Mountaineers; Howard McNutt, fiddler; Tennessee Nell and Joe Lieber, yodelers, all well known radio acts in the midwest, were among the entertainers at the show.

Judges whose decisions were governed by the volume of applause were Excise Commissioner Lawrence McDaniel; State Representative Frank Holton of East St. Louis; Al Baba, pro wrestler, and Thomas Cannon of California.

National Hill Billy Assn. is arranging hillbilly contests in Des Moines, Denver, Kansas City, Houston and Dallas as the volume of applause prevented many exponents of mountain music from appearing at the local shindig. These shows are expected to lead up to another national show in one of the largest towns in the midwest next Spring.

Boake Carter's Futurity

Indianapolis, Nov. 1.

Boake Carter, former network news commentator, spoke here at Murat theatre and was later interviewed by G. B. Forbes, newscaster for WFBR.

Carter bet Forbes \$5 Italy would occupy French Tunisia within four years without bloodshed.

Al Jolson Ad Lib Case Lost by NBC; Jury Awards Hotel \$15,000 Damages

Pittsburgh, Nov. 1. Summit Hotel in nearby Uniontown, Pa., was awarded \$15,000 damages against NBC by a jury in Common Pleas court here last week. Management had sued for \$100,000, charging it lost business to that extent during the summer of 1935 because of a remark made by Al Jolson during an interview with Sam Parks, Jr., then National Open Golf champion.

Following his triumph at Oakmont, Parks was signed for a one-shot on the Jolson show in May, 1935, and when Parks told him he had been the pro at the Summit hotel, Jolson ad-libbed "That's a rotten hotel."

Jolson was originally named as co-defendant with NBC, but plaintiff dropped him upon learning that it would have to specify one or the other. NBC asked for a dismissal of the suit on the grounds that the remark wasn't in the approved script and that it had been ad-libbed by Jolson, but Judge Heber Dietrich ordered NBC to put in a defense.

Trial lasted only a day and jury was out just a couple of hours. Understood that NBC will file an appeal on the verdict.

General Mills' Pro Football Interest in '39

Chicago, Nov. 1. General Mills is increasing its spots broadcasting next season, taking in professional football in addition to baseball. Pro football broadcasts on the two Ralph A. J. stations here—WJJD and WIND—have proved such a click that General Mills is already taking up options for broadcast rights on the two major pro football leagues.

It is understood that part of the deal with the pro leagues will call for the production of a goodwill motion picture of pro football, with General Mills footing the bill. Football film will plug pro football much in the manner that the baseball goodwill is being built by means of the American League films.

BILLY HOUSE SHOW WRIGLEY'S UNTIL JAN. 1

Chicago, Nov. 1. Slated last week to go off on Sunday (30), the "Laugh Liner" show with Billy House will continue on the Wrigley company on its Columbia coast-to-coast web. Will now probably stick until Jan. 1 when the Jesse Lasky talent hunt program is figured for replacement.

Show has built steadily in its 17 weeks and now enjoys its highest ratings. Writers Hugh Wedlock and Howard Snyder nixed negotiations which would have kept them in Chicago on the script job, and scrambled to New York for short vacation before returning to Coast, where they are lined up for Universal scribbling terms. However, Wedlock and Snyder have agreed to continue writing special weekly sketches for the program on the air mail plan.

With the Fibber McGee and Molly show and the Edgar Guest program, the Billy House period rates as one of the few big-time shows out of Chicago.

KFAB ADDS 7 TOOTERS

Lincoln, Nov. 1.

KFAB-KFOR increased the music staff by seven men this week, adding to the studio staff, making 15 union card holders in the studios on this end.

Several were added in Omaha, too.

John C. Spears at WLW

Cincinnati, Nov. 1.

George C. Biggar, WLW-WSAI rural program supervisor, has added John C. Spears to his promotional staff. Newcomer from Indianapolis is plugging the Boone County Jam-boree, stage and radio show and will also exploit other road units being built by both Crosley stations.

Parker with B&A

Hollywood, Nov. 1.

Frank Parker joins the Burns and Allen program for Chesterfield as vocalist around the first of the year, when Tony Martin winds up the first quarter.

Signal Carnival, Coast petrol show, is also making a change, substituting either Rush Hughes or John Conte as emcee to take over from Ben Alexander.

BRINKERHOFF BIDS FOR NAB LIBRARY

Washington, Nov. 1.

Another proposal to take over the National Association of Broadcasters' copyright venture will be examined by the executive committee at its next session during week of Nov. 14. Revision of his original \$50,000 proposition was sent the trade body last week by E. V. Brinkerhoff, who holds the contract for cutting the discs originally planned to supply stations with royalty-free program material.

Complete reimbursement for the capital investment behind the contemplated 100-hour library is promised by Brinkerhoff, whose chief rival is Langlois & Wentworth firm, the favorite bidder. Proposition involved \$25,000 on the line and payment of the balance out of sales over an indefinite period.

Without fixing a definite maximum figure, Brinkerhoff informed the directorate he will make a down payment and agree to give the NAB half of its revenues until the whole outlay is wiped out. This is between \$50,000, the original capital advanced, and \$60,000. Guaranteeing not to raise the present \$10-per-plate charge, he said he will split with the trade body the return from sale of 80 additional hours still to be recorded and turn over 50% of the income from new sales of the 20 hours already waxed.

Completion of the NAB schedule also is promised. Brinkerhoff said he will finish the 100 hours by Dec. 31, 1940, and in addition will turn out as much additional public-domain music as the industry will use. Insists upon underwriting in the form of advance orders before recording any numbers beyond those initially planned by the Bureau of Copyrights.

Shouse, Dunville Back

Cincinnati, Nov. 1.

James D. Shouse, general manager of WKYC's broadcasting division, was back at his desk Monday (31) after hopping to Tampa, Fla., and Washington over the weekend.

Robert E. Dunville, WLW-WSAI sales manager, returned Saturday (29) from a brief business trip to east.

Esty Seeks Copy Criticism

Invites Broadcasters to Evaluate Six Different Types of Camel Blurbs

Camel has extended its minute transcription series to 100 recordings and also sent out a questionnaire to the station list asking the broadcasters which of the six types of blurbs contained in these discs they prefer. "Light Up and Listen" spot campaign was started several weeks ago, with the latest order calling for 25 transcriptions.

William Esty agency, which has the Camel account, feels that the broadcasters should make the best judges as to how the listeners in their own localities are reacting to the dramatized plays. Esty likewise is anxious to avoid overdoing the particular routines to the point where they become the source of gags and burlesques.

Fred Allen Endorses

Mr. E. M. Dwyer, N. Y. Telephone Co., New York City.
Dear Mr. Dwyer:
Re: Mr. Arnold Auerbach's phone application.

Mr. Auerbach has worked for me for several years.

I have found him to be honest, candid, frank, unreserved, guileless, true-blue, ingenious, honorable, bright, as good as his bond, a lover of hyperbole, ever willing to bend over to start a game of leap-frog and strongly inclined to settle outstanding obligations.

He is adept at dialing, his voice not only has a smile, but boasts a positive guffaw, and he is particularly tidy about a phone.

If you are able to talk Mr. Auerbach into a phone, Mr. Dwyer, I am sure it will be a feather in your cap. You will be the envy of milliners for miles about.

If you do not lend Mr. Auerbach a phone he will have to fall back on the old-fashioned carrier pigeon, and a carrier pigeon going about town, Mr. Dwyer, augurs ill for that feather in your cap.

Sincerely,
Fred Allen,

Mr. George Wellbaum, N. Y. Telephone Co., New York City.
Dear Mr. Wellbaum:

You have my permission to reproduce my letter re Mr. Auerbach's application for phone service in the telephone review.

You are also welcome to give the letter to VARIETY.

For VARIETY I would suggest that all punctuation be stricken from the letter. VARIETY has ignored punctuation for many years and its readers, seeing commas, periods and semicolons in VARIETY for the first time might think they had astigmatism setting in.

I will you kindly send me a copy of the forthcoming "the telephone review".

Sincerely,
Fred Allen.

Paul Jones Cigarets Withdraws After Air Formula Disappoints

Paul Jones, the 10c brand of the Philip Morris Co., folded all its test campaigns. Trial for 13 weeks, had been on KMOX, St. Louis; KMBC, Kansas City; KNX, Los Angeles; and the northern Don Lee group. Account had used news broadcasts and sports reviews.

It was the cig's first dip into radio. Milton Blouw is the agency.

Understood that in several of the spots the Jones news broadcasts were up against similar programs on local stations. In one town three stations aired news in three successive 15-minute periods with the cig account pocketed between the other two.

Hal Fimberg took over Harry Conn's duties as head of Jack Haley's comedy writing staff. Artie Phillips latest addition.

Screen Actors Guild Looks Set, But Clearance Assurances Still Needed

Cantor Crew East

Hollywood, Nov. 1.

Eddie Cantor's crew of kilocyte performers shoved off today (Tues.) for the other seaboard to indulge their air antics from Gotham for the next four weeks.

Party included Vic Knight, producer; Edgar Fairchild, music director; Walter Woolf King, announcer; Bert Gordon, and Writers Sidney Fields, Joe Quillen, Izzy Ellinson and John Rapp.

Joe Donahue, contact for William Esty agency, also entrained.

Among other things Cantor will participate in the "Night of Stars" show at Madison Square Garden, Nov. 16. Proceeds go towards the settlement of refugee Jews in Palestine.

NETS, NITERIES FIGHT WAGE UPBEAT

Los Angeles, Nov. 1.

Wage hike to be put into effect today (Tues.) by Musicians Union is expected to result in the trimming of several band rosters appearing on radio, in niteries and doing transcription work. Picture studios are not making an issue of the increase, which amounts to around 40% in a move to apportion more work and fewer hours as an employment stimulant.

Three major networks have served notice on the local that hopping up the scale will result in a severe pruning of musicians to stay within budgetary requirements. Networks claim union will be guilty of contract breach if it puts into effect the wage raise. Contention is that two-year contract recently signed with musicians union and calling for an additional \$1,500,000 in wages over a year's period has 15 months to run and established the present wage structure.

Niteries operators are up in arms over the increase and claim it will mean the shutting down of many spots. They claim conditions are not such as to allow for a heavier music nut.

WHY SPECIAL EVENTS LADS BREAK DOWN

St. Louis, Nov. 1.

A student at Illinois U in Urbana pulled a fast one on Cy Casper, gabber of KMOX who was interviewing fans before a football game last week. Frankish hauled a fashionably gownned matron to the mike and introduced her as Mrs. Henry Horner, wife of Illinois' governor. She spoke a few minutes and then disappeared.

A short while later the Gov. appeared and when Casper said he had been honored by interviewing Mrs. Horner the Gov. said "I'm highly flattered, ladies and gentlemen, but I happen to be a bachelor." Casper apologized until speechless.

Discers Come and Go

Hollywood, Nov. 1.

Score was evened last week in the transcription field—one folded and another set up a new biz.

Fred Dahlquist closed out his American Radio Features, and Frank Purkett started operations as Pacific Producers.

FIDLER ON CBS

Hollywood, Nov. 1.

Jimmie Fidler goes double-network Nov. 8 when he moves into the Old Gold Screenscoops Tuesday spot on Columbia. He retains his Friday niche on NBC red. After Nov. 8 Drene gossipier airs east at 7:15 on Fridays and 30 minutes later on the coast repeat.

Broadcast on CBS web marks his first appearance before a Columbia mike.

While the debut date (Dec. 18) for the Screen Actors' Guild show on CBS has been set by Gulf Refining, there are a number of angles in the deal that have yet to be settled. Before Gulf closes for the series through Young & Rubicam, it wants to make sure that a majority of the Guild members who are under exclusive air contract to other accounts will get the necessary releases. Indications are that if the majority of accounts involved act favorably on the release request, contained in letters sent out by the Guild, the others will withdraw their objections and make it unanimous. Only likely exception will be the competitive telco account, Texaco.

MCA 'In' Feared

Under the terms of the Gulf-SAG contract, the contacting of the screen names will be entirely out of the hands of the Music Corp. of America, which agitated the show. Huntley Gordon, of the SAG, will be the go-between. This arrangement was made so as to overcome the opposition advanced by Hollywood agents to MCA being placed in a position where it could have business relationships with the former's actor clients. MCA's chore will be confined to furnishing the band and vocalist.

Tom Lewis, currently on Y & R's New York producing staff, is slated to direct the Guild show. Agency will not fill the spot made vacant by Lewis' exodus to Hollywood.

Kellogg Drops, Wheaties Picks WBBM Baseball

Chicago, Nov. 1.

General Mills will have play-by-play baseball on WBBM here next year, after all. Kellogg has stepped out of its contract with the station for the baseball broadcasts for 1939-40 and has turned over the privilege to its competitor, Wheaties.

It happened like this: N. W. Ayer agency bought 1939 baseball on WBBM some months ago for Kellogg, and cut the pins from under Wheaties which had been on the station for several years. General Mills looked to be out in the cold for baseball next season unless it wanted to take a minor station. The Mills, in fact, tried to work out a deal to combine WLS and WENR for the continued play-by-play. However before such a deal could be arranged the Kellogg account moved over to the J. Walter Thompson agency, which is not sold on the powers of sports broadcasting. Thompson mob went to WBBM, local Columbia outlet, and tried to get out of its baseball deal, but WBBM insisted on holding Kellogg to its contract. However, station did okay Kellogg's re-selling its baseball time to someone else suitable to WBBM.

General Mills was still in the market but refused to pay the \$150,000 tariff for which Kellogg had signed a deal with the station. Deal was finally made at \$125,000 to the Mills and for a while it appeared that Kellogg would itself pay the added \$25,000 to plug Wheaties on WBBM. However, the station itself altered the contract to the \$125,000 so that Kellogg would not be stuck for the extra \$25G.

OUTSIDER ED BYRON ON Y & R AUDITION

Because of the agency's current policy to keep its producer staff down to the minimum, Young & Rubicam has arranged to have an outside program director, Ed Byron, prepare material for auditioning to one of its clients. Proposed stanza will have Don Voorhees as conductor.

Byron, who has been freelancing for the past three years, produces the "What's My Name" session on Mutual for Philip Morris.

Churches, Colleges, Normal Schools Okay O'Neil Play FCC Condemned

1936
March 13—Community Players, Rochester, N. Y.
July 23—Chautauque Institution, Chautauque, N. Y.
Nov. 15—University of Oklahoma.

1931
Feb. 13—Pioneer Players, Plattville, Wis.
Feb. 15—Miami University, Oxford, O.
March 18—University of Pennsylvania.
March 19—Little Theatre, Temple, Tex.
March 20—Community Arts, Santa Barbara, Cal.
Oct. 28—University of California.

1932
May 1—College Players, Corvallis, Ore.
May 12—Little Theatre, Cheyenne, Wyo.
May 20—Betty Marshall, Arlington, Neb.
Dec. 17—Little Theatre, Austin, Texas.

1933
Jan. 18—Civic Theatre, Springfield, O.
Feb. 15—State Teachers College, Moorhead, Minn.
March 3—Stetson University, Deland, Fla.
April 7—Glennville High School, Cleveland.
April 22—Little Theatre, Roanoke, Va.
Nov. 10—Play Shop, Point Pleasant, N. J.

1934
Jan. 17—New York University.
Feb. 23—Carnegie Players, Philadelphia.
March 10—Swarthmore College.
Nov. 25—University of Maine.

1935
Feb. 15—Denby High School, Detroit.
Feb. 16—Players Club, Columbus.
May 16—State College, San Jose, Cal.

1936
Jan. 27—State Teachers College, Terre Haute, Ind.
Feb. 1—University of Wisconsin.
Feb. 24—State Teachers College, Milwaukee.
March 20—Washington University, St. Louis.
May 1—Community Players, Sheboygan, Wis.
May 20—Whitman College, Walla Walla, Wash.
June 23—State Teachers College, Milwaukee.
Nov. 27—Wilson Junior College, Chicago.
Dec. 6—Aldridge Players, Hampton, Va.

1937
Feb. 1—Little Theatre, Lynchburg, Va.
Feb. 17—Civic Theatre, Dobbs Ferry, N. Y.
March 6—Little Theatre, Beloit, Wis.
April 6—Illinois Wesleyan University.
April 9—Northwestern University, Evanston, Ill.
April 17—State Teachers College, Memphis.
May 12—Presbyterian Church, Morrisville, N. C.
June 22—Dennison University, Granville, O.
Aug. 5—Dennison University, Granville, O.
Aug. 17—University of Vermont.
Aug. 1—Drama League, Tacoma, Wash.
Nov. 23—Greenwich House Players, N. Y. C.

1938
Jan. 3—Clark University.
Jan. 25—University of A. & M. College.
Feb. 14—Brown University.
April 6—Jamestown College, North Dakota.
April 25—Cornell College, Mount Vernon, Ia.
May 16—Central Schools, Fort Lauderdale, Fla.

'Horizon' Case

(Continued from page 29)

would be put on notice that a certain account or speech is deemed offensive by independent Federal umpires.

General penalty provision of the statute seldom invoked except against unlicensed operators—makes stiff punishment possible, but also allows a sentence in proportion to the seriousness of the offense. As things stand now, the Commission can only administer a very harsh dose—denial of the right to operate—or use the go-and-sin-no-more technique in spanking offenders. Maximum chastisement which the courts could hand out is \$10,000 fine and two years in prison.

The 'Beyond the Horizon' matter may be the occasion for obtaining positive interpretations of the law, besides the initial instance when the general question of relative responsibility of all network outlets is answered. While all members agreed unanimously to forgive WTCN and other affiliates, at least a minority reflected the view that the use of common expletives over the airwaves should not be condoned. Chairman Frank R. McIninch and Commissioner Paul A. Walker reported as deeply offended by the profane exclamations in the O'Neil script, with Commissioner Thad H. Brown only slightly less horrified.

McIninch to Fight

White outsiders were inclined to think the incident is finished, WALKER was informed McIninch is determined to trash the matter out and will make WJZ's next renewal plea the occasion for forcing a showdown. Generally expected he will precipitate a new discussion for the purpose of having the record referred to the Justice Department, even though Commission attorneys have undisputedly doubt the dialog would be held a violation of the act.

By renewing the license of WTCN, the Commission completely reversed the principle established last year in rebuking NBC and affiliated outlets for airing the suggestive Mae West Garden of Eden skit. In announcing no punishment would be applied Chairman McIninch emphatically declared every licensee is liable for what goes out over his radiator, regardless of its origin, and that violation of public interest cannot be justified by passing the buck to the network or the originating station.

Renewal of the WTCN ticket brought applause from the National Association of Broadcasters, pointing out the FCC retreat was in accord with overwhelming public sentiment suggesting 'the time is ripe for consideration of related issues.' Hope voiced by trade group that 'The Commission will continue to listen to public sentiment and act accordingly.'

RCA SET AT FRISCO EXPO

Gets Contract—Hewitt Off to Camden, New Jersey

San Francisco, Nov. 1.

Contracts for the installation of radio and public address equipment costing in the nabe of \$100,000 were inked last week by RCA and the 1939 Golden Gate International Exposition. Complete system, to be ready for operation Feb. 10, eight days before formal opening of the expo, will be leased by RCA.

Engineers of the Columbia, Mutual and NBC okayed the layout for network operations before the contract was signed. Lesley Hewitt, engineer in charge for the State of California, who wrote the general specifications and coordinated the suggestions of RCA and the C. C. Langevin Co., leading bidder on the job, left for Camden, N. J., as soon as the deal was set to iron out installation details with RCA execs.

New Hero—'Doggy Dan'

Chicago, Nov. 1.

Red Heart dog food starting a new local show on WMAQ next Monday (7). Will run 10 minutes daily for six days a week, at 12:35 p. m.

Through the Henri, Hurst & McDonald agency, with the name of the show, 'Doggy Dan and the Red Heart Man.' Bob Becker's weekly dog chats continues for the same advertiser for an additional 33 weeks starting Dec. 11.

Jimmy Walker, Priced at \$3,500, But Starts His Radio Career on the Cuff

BACK TO AVERAGE

Radio Even Keel Noted After Czech Unsettlement

General drop in the percentage of listening intensity, which broadcasting experienced following the European crisis is practically ended. Compared with the overall listener rate which prevailed for a previous two weeks, the latest audience check shows a difference downward of but 1/10th of one percent.

Only period in American radio history which produced a comparable state of intensive tuning-in was the first few months of the Roosevelt administration (1933).

DENIES STATE RULE OVER RADIO

Trenton, Nov. 1.

Contending that the New Jersey State laws regulating radio broadcasting are invalid and that the Federal Communications Commission is the lone regulatory agency over radio, NBC has obtained from Judge Philip J. Forman in United States District Court here, a show cause order against the State Board of Public Utilities and its members. The order, returnable next Friday afternoon in Federal court here, requires the State group to show cause why it should not be enjoined and restrained from taking any further action against NBC. Named as defendants are the Board of Public Utility Commissioners, its members, Harry Bacharach, Thomas L. Hanson and Frank J. Reardon, and Attorney General David T. Wilentz.

State some months ago directed NBC to make application to the Board of Public Utility Commissioners for a certificate of public convenience and necessity and to fill in the necessary data on that certificate, with regard to Station W2XDG, which it recently moved from a downtown New York location to the Bound Brook transmission station.

Broadcasting company, which also operates three other stations through the Bound Brook transmitter—WJZ, W3XAL and W3XL—refused to comply with the order.

The reply was signed by A. L. Ashby, vice-president, and NBC is represented by Autenrieth & Wurtendyke, of Newark.

Add: Minor Worries

Milwaukee, Nov. 1.

Executive staff of WTMJ huddled last week to discuss effects of the new Wages and Hours law on radio. Lew Herzog raised the question, 'What's going to become of Betty Lou and Charlie McCarthy?'

New York's former mayor, Jimmy Walker, has the present Mayor La Guardia's blessing for the WMCA broadcast series that Walker starts m.c.'ing next Sunday (6) on WMCA with an imposing array of guests, including George Jessel, George Givot, Yacht Club Boys, Olsen and Johnson, Lew Lehr, Dave Apollon, James Barton, Lee Grant orchestra and others. Modern Industrial is buying the time, a Sunday 2-3 p. m. full hour, but will refrain from any commercial in its own behalf. Commitment is for 12 weeks.

Idea is for Walker to ultimately sell this type of 'good-will' show for a franker sponsorship. As it will be unrehearsed the first 12 weeks, the 'visits' to the different hospitals by Walker and his pollyanna troupe will be in the nature of good-will promotion. Bellevue hospital is the first stop, the show to be performed for the inmates and broadcast from there. An old ladies' home will be the second stop. Mayor La Guardia has approved an early visit to his Camp La Guardia, charity resort, in upstate New York.

Walker's Price

This pattern, it is hoped, will be sold eventually so that Walker may collect his self-evaluated \$3,500, a figure he once before placed on himself. For the initial 12 weeks, however, neither he nor the guests get paid. Modern Industrial merely buys the time so that WMCA benefits that way, at card rates, and, of course, the sundry hospital inmates enjoy the benefit of the in-person broadcasts.

Bert Lehbar, general sales manager for the Donald Flamm station, conceived the idea and David E. Green, with Walker, is producing.

BILL HAY SUES LUM-ABNER ON CAREER

Los Angeles, Nov. 1.

William G. (Bill) Hay, long announcer for Amos 'n' Andy, filed suit here against Chester Louck and Norris Goff (Lum and Abner) for an accounting of commissions allegedly due him for promoting the career of the rural air comics. Hay alleges L & A signed a contract with him in 1931 which would net him 10% of their earnings for five years as compensation for his aid in helping them obtain radio engagements.

Hay estimates that the rusties earned around \$500,000 during the disputed period but declares that he received only \$181 to apply against the commissions.

Arthur Gillette, WCKY Cincinnati engineer, was in New York last week, looking over radio equipment.

OGLE STAFF ENLARGED AT FTC

Washington, Nov. 1.

Preparations for closer and more constant ogling of radio advertising activities were made last week by Federal Trade Commission. Old special board of review was replaced by a new division headed by P. B. Morehouse, for nearly 10 years one of the trial lawyers.

While no dissatisfaction was reflected, the new set-up was motivated by necessity of having a permanent agency with adequate personnel to scan copy under the Lea-Wheeler act broadening power to blue-pencil propaganda. Chief objective was to improve administrative operations and centralize work. With the amendments to the old laws making the FTC responsible for checking copy which previously had not come under the magnifying glass, volume of work is expected to grow in the future.

While Commission will glance at wider assortment of copy and read more attentively no immediate change is planned in the method of operation. For several years, FTC has been receiving every week copies of advertising aired through chains and every three months gets local propaganda from each commercial station. Industry always has cooperated readily with the agency and several times has been publicly commended for willingness to help keep sponsors and agencies in line.

Radio End of Chamberlain Hand Lotion Account May Go to Kastor Agency

Chicago, Nov. 1.

Several agencies bidding for the radio portion of the Chamberlain Hand Lotion account, and it appears that the Chi agency will snatch it. Black-and-white share of the account goes to Chamberlain agency in Minneapolis.

Under consideration here by advertiser are the Kastor, Benson & Dall, McJunkin and Linke agencies, with indications that Kastor may wind up as the winner.

Steinberg Incorporates

Albany, N. Y., Nov. 1.
Federal Transcribed Programs, Inc., has been chartered to conduct a general commercial and recording business in Manhattan. Directors are: Mortimer Cohn, A. Ralph Steinberg and Carlyne Graubart, New York city.
Capital stock is 100 shares, no par value. Louis Levine, filing attorney.

COMIC RUBES OUT

Prairie Farmer Skit Will Draw a Realistic Picture

Chicago, Nov. 1.
Prairie Farmer which owns WLS here, has bought a new dramatic show called 'Bradleys of Prairie Farm' and written by Hank Richards. Show will ride weekly on WLS at 30 minutes per shot to plug the publication.

It is a farm serial that will present the rural inhabitants as real every-day people instead of comic rubes. To be spotted Sundays at 7:30 p. m.

Clipp Revises WFIL Policy on Records

Philadelphia, Nov. 1.

Reversal of policy regarding recordings is one of the first switches to follow recent change in general managers at WFIL. While Don Withycomb, who formerly headed the outlet, was firmly against discs, Roger W. Clipp, his successor, feels that improvement in the reproductive qualities of the waxings and growing public demand for name bands merits the change.

Half-hour daily show tabbed 'Wake Up and Dance' was premed last week at 9 a. m. with a different recorded name band sketched for each day. License to air recordings has been obtained from National Association of Performing Artists, which made a drive here last year on stations using discs.

WHK Staff Changes

Cleveland, Nov. 1.

Seven shifts are keeping the staff of WHK on the jump. Lehman Otis, former radio of Citizen daily in Columbus, O., added to payroll as news editor. Succeeds Milt C. Hill, who was made head of commercial continuity department. Jimmy Sands, who formerly held latter position, transferred to the program production bureau of which Allen Jenkins, ex-announcer, is assuming charge. His previous berth is being filled by Don Dewhurst.

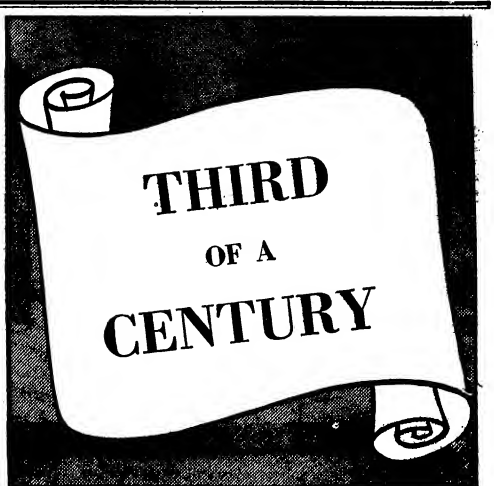
Leslie Biehl, mike-man, promoted to editorship of sustaining continuity. Announcing staff got another addition in form of Seymour Harvey Miller, from WIBX, Utica, and WMBO, Auburn, N. Y. Beryl Redmond, secretary to Ad Manager K. K. Hackathorn, has resigned to become chief stenog for C. A. MacLaughlin, manager of WJIC in Indianapolis. MacLaughlin formerly sales manager of WHK-WLCE.

Masquers At It Again

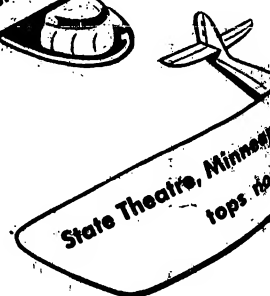
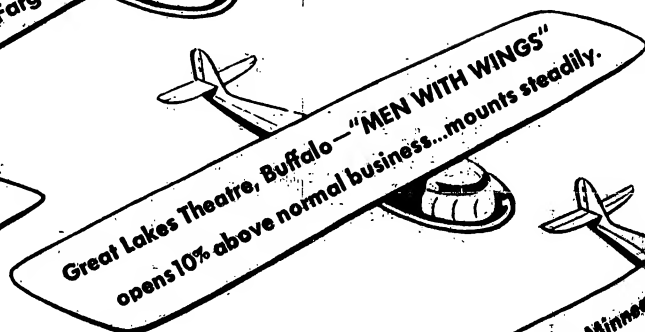
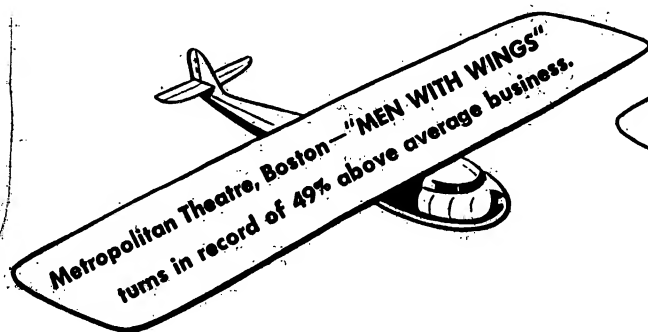
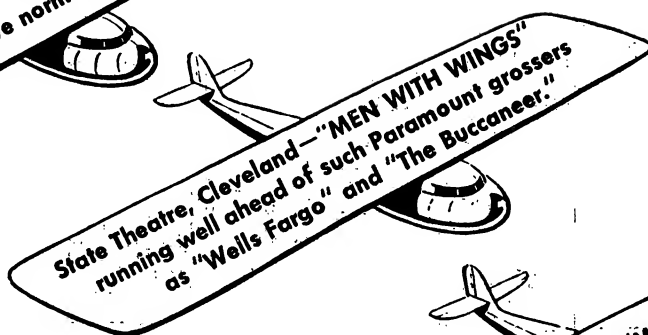
Hollywood, Nov. 1.

Masquers are again whipping up a show for radio sponsorship. Chief bait is a long list of picture names.

Outfit took a sudden interest in radio last year but it didn't last long.



PLANE



about Paramount's
"MEN WITH WINGS"

FACTS...

re, Atlanta—"MEN WITH WINGS"
nes to 60% above average business.

Strand Theatre, Albany—"MEN WITH WINGS"
hanging up record as a top Paramount grosser.

Paramount Theatre, New York—"MEN WITH WINGS"
on opening day stands 'em in line for a block...
grosses build to tremendous week-end business.

olis—"MEN WITH WINGS"
rma business by 30%.

Proctor's Theatre, Schenectady—"MEN WITH WINGS"
smashes "Wells Fargo" and "Buccaneer" records
to register new highs.

Michigan Theatre, Detroit—"MEN WITH WINGS"
tops average business by 45%.

"MEN WITH WINGS"

in technicolor!



'INTRODUCTION TO AMERICA'

With Dider Van Ackere
30 Mins.
Transcription
Radiophonette Universelle
(In French)

This is the first of a series of 30 transcriptions made in the United States in July, August, September and October during a transcontinental tour by Jacques Friedland, head of Radiophonette Universelle of Paris, who has been operating in France under a small financial grant from the French government plus the gratuitous aid of Columbia Broadcasting. He was accompanied to America by Dider Van Ackere, Paris rep of CBS, who as a linguist and a network employee could get around the U.S. and at the same time act as a French radio host.

Program series sets out to show—with liberal sound effects, many of them authentic—what America is like. Frenchmen, in common with European, have a very hazy conception of this country. With gunplay, fan dancers, hillbilly child brides and such matters over-sold as 'typical'.

Reviewed in New York of a pancake made by Transcriptions, Inc., the inaugural program was a birds-eye view of the whole country. Its objective—strongly emphasized in French—was that 'New York is not America.'—From the switchboard of CBS in N. Y., by a series of quick cuts, voices were heard speaking in French (never mind what kind of French!) from KFSO, San Francisco; WEEI, Boston; WQAM, Miami; KMX, Hollywood; KMOX, St. Louis; and so on. It was a kaleidoscopic gallop around the map, with the ultimate object of getting over to the literal-minded French radio listener a conception of distance and tempo over here.

There were cowboy chancies in Arizona, the hum of the assembly belt in Detroit, the gurgling of Old Faithful in Yellowstone, a rendition of the 'St. Louis Blues,' guitars from Honolulu and the whine of the wind atop the Empire State Bldg. A dummy stage character, runs through the series.

For Frenchmen, the assortment of Yankee-tied French dialects must inevitably be as funny as the tangled tenses of continental English to our ears. But meanwhile, comedy is not the objective.

At a significant new development in international radio, this one is a red ring on the calendar. It has been nicely done on production and mechanical value and tells its story with enough change of pace and humor (Gallic) to accomplish some benefits to the cause of Franco-American relations. Land.

W. R. WILLS

Commentary
Sustaining 15 Mins.
WABC, 1:15 p.m.

W. R. Wills, Far East representative for CBS, headquartered in Tokyo, was shortwaved from Hankow Sunday as he looked on at the Japanese occupation of the conquered Chinese territory. In a nicely phrased address, evidencing good make technique, Wills was non-committal on his plane's eye-view of the war scene, a caution that may be explained in part by the fact that he's headquartered in Tokyo permanently.

Trans-Pacific comment mentioned the 'normal' routine to be observed in the Hankow area.

'LONG ISLAND HOUR'

With Jean Hallock
15 Mins.
PARTICIPATING
Wednesday, 10:45 a.m.
WICC, Bridgeport

Unique angle here is that 15-minute slice of WICC, nominally a Bridgeport-New Haven umbrella, is bridged especially to a Long Island zone across some domestic miles. Long Island Sound water. But WICC has the signal, and Jean Hallock's got the sponsors, so it's commercially legitimate.

Commentator sounds young for her job and would likely be more effective in a spot directed to juves. She has plenty of copy, mixing news for participating advertisers (Riverhead, L. L. roller skating rink; E. J. Wier Co., tree surgeons, and Jacob Meyer markets) with Long Island chamber of commerce stuff. Elem.

'A SONG AT TWILIGHT'

With Bobby Hainsworth's Salon Group, Doris Sierer, Tommy Thomas

30 Mins., Regional
Sustaining
Sundays, 4:30 p. m.
KIRO, Seattle

This half-hour stanza is for the Columbia Pacific net. Bobby Hainsworth, studio director, and five-men ensemble clicked, with Sierer, recent winner in KIRO community club amateur contest, vocalized like an old-timer. Male quartet and KIRO's program director, Tommy Thomas, latter dish out poetry and two musical selections, tied together for balance. Purposely slow paced, with music and poetry selected with eye to the title.

This is the first show ever fed out of Seattle on regularly scheduled basis in the 13 years of network radio, although KIRO has had many spot originations go transcontinental. Comes just ahead of Orson Welles Mercury theatre. Smith.

GLENDIA FARRELL

With Allen Drake, Lorne Elliot, Eric Dresler.
SWANSEA-WN-CALUMET
Thursday, 5 p.m.
WABC-CBS, New York

(Young & Rubicam)

If any of the Hollywood excesses were laid in back for the second (27), Glendia Farrell certainly gave them something to think about in her guest shot on the Kate Smith program. In an emotional part that was virtually the antithesis of the flip comedy stuff with which films have typed her she turned in an intense, eloquent and deeply-moving performance. Obviously Miss Farrell is a much more versatile trouper than she's previously been given a chance to show.

Piece was a bizarre dramatic excursion into the realm of emotional psychology. Using several different techniques (at one time straight narrative and flashback were employed with European-style flashbacks) the lives of a woman doctor and her fiancé-surgeon whose unsuccessful operation to cure her after a motor crash had crippled and him mentally unbalanced. It was a complex and extremely difficult production and acting assignment.

Dislike was powerfully conceived and adroitly worked out. Playing simply and directly, Miss Farrell achieved admirable range of mood and expression. She could have used a lower voice register advantageously during the quieter middle scenes, but her emotional climaxes were controlled and her subdued final lines very persuasive. Her timing was excellent throughout. Allen Drake was convincing as the mentally-unhinged surgeon, while Lorne Elliot scored as the girl's growling, grumpy, and somewhat profane sounds and the musical bridging were proficient. Hobe.

'SILVER SERENADE'

With Peggy Tudor Guests
Transcriptions
15 Mins.
ONEIDA, LTD.
Saturday, 1:30 p.m.
WGZ, Schenectady

(BBB&O)

'Most powerful group of stations ever used on silverware advertising' is the statement in a promotion piece on new series. Being turned out over one 500,000-watt, 13 50,000-watt, one 10,000-watt, nine 5,000-watt, and five 1,000-watt, of low power, and entertainment and general showmanship, however, present group of platters is inferior to the one aired last fall. Two reasons for this: an apparent budget cut on talent, with a fill-in instrumental trio substituted for a first-class dance band, and a more pronounced lack of interest in advertising. Agencies would probably call the latter 'hard-hitting selling.' Others will call it an invitation to take a walk.

Wendy and men interviewed by Peggy Tudor on 'Ten Keys to Married Happiness' carry show's load. Dorothy Draper, interior decoration authority; Bailey Allen, home economist, popular with femme listeners, were two heard. Other voices waxed: Mrs. E. E. Bandman, employment expert; Clara Savage, Littledear, editor of Parent's Magazine; David Seabury, psychologist; Beatrice Fairfax and Helen Rowland, newspaper columnists; Mrs. Anne Fisher, fashion expert; Mrs. Cornelius Beckman, socialite and etiquette authority. Miss Tudor, who is in her Rosalind Green order, and good, not only quizzes guests, but has them as straight on two spools. 'Wear proofing' featured. Tudor's 'Pud' emphasized; prices mentioned. Peggy also announces for trio's so-so playing. Jacob.

'IT'S AN ILL WIND'

With Hope Rogers, Doris Counts, Mary Louise Carey, Marion Millikan, Dick Williams, Jack Robertson, and Robert Leigh

30 Mins.
Sustaining
Sunday, 3:15 p. m.
WGRC, New Albany-Louisville

Station newly under the management of Steve Cislir. Gives half-hour example of what can be done with amateur talent. George Russell, production director, wrote the original script, based on the timely theme of the recent tornado which brought disaster to the New England coast, and did a clean-cut job of it.

Play is one of a series of 13 scripts which will be aired by WGRC Players. Russell directed the cast and authored seven of the scripts, the remainder being the work of Peggy Lynch, Chicago radio writer and actress.

Story telling is well-knit, being an account of the storm which suddenly struck through New England, some characters taking refuge in hotels and the like, with a radio operator listening in touch by means of the various characters' messages. Most of the parts are straight acting roles, although Jack Robertson does well by a typical 'Boy Jove' stage Englishman. Suspense is well sustained to the final twist, and some few points, such as a noticeable immaturity in some of the character roles, and a slight hesitancy on cues, the effort was well on the okay side for non-professionals. Hold.

'DR. PAUL CHRISTIAN'

With Jean Herscholt
Drama
The Milwaukee
Vaseline Products
Tuesday, 10 p.m.
WABC-CBS, New York

(McCann-Erickson)

Jean Herscholt is back for his second season in the role of the country doctor who is all things to all men, women and children in the bubbles concealer. While the puns last week were, in general, better puns than the script gave out on the initial program, the flaw of not knowing where to stop was still noticeable. What the program still needs to have is the ruthlessness to cut where a judicious use of the scalpel would save the patient.

Take that astrology routine. Una Merkel was asked what sign she was born under and replied 'maternity ward.' Minutes later, the thread of fortune-telling, etc., never having been completely forgotten, when Ruggles draws in a gratuitous mention of Madeline Carroll in order to carry along the 'motif' and described Miss Carroll as a 'heavenly' This is known as straining at the keel.

Miss Merkel, Adolphe Menjou and Charles Ruggles are all character actors without a characterization. Herscholt brings his dead-pan delivery to radio fit much better and promises to grow as an asset to the show. His background obligate of wisecracks during the mid-section Texaco commercial was frequently sparkling and in general very funny (despite a weak final punch-line) and would inevitably prompt the question: Why not start the show with the Spangule routine and let the uncertain items be sandwiched in later?

Adolphe Menjou remains as emcee as he has at this late date which is a good-run-down when he acted a Max Reinhardt playlet with Mrs. Menjou (Verree Teasdale) the program had something deluxe. Radio's inability to properly exploit what it buys remains a source of recurring melancholy to the trade's back-seat drivers.

'Ave Maria Hour' sponsored by Francis and James J. Gallagher, N. Y., on station WJMA, N. Y., Sundays, went a little political on broadcast of Oct. 30, offering a fifty century religious persecution dramatization as the basis for the present-day program. Story of St. Julia, Christian Carthaginian maid, tortured and crucified by the Romans, was tellingly told via medium of Don Randall's dramatic script prepared by Faith Bollen Smith. Covered a lot of ground in time allotted, and made message listenable.

Leo Bolley was paying his annual tribute to the late Knute Rockne, Notre Dame football coach, on Tyndal's program over WCY, Schenectady, last week at the very moment

Jimmy Scribner 'The Johnson Family' Serial 15 Mins. RAMSDALL Daily, 5:15 p.m. WOR, New York (Hamilton)

Sustaining for 13 months, this drama, number written-and-acted script is now under Ramsdell's sponsorship, but not on WOR. Rest of the Mutual network still carries the serial on a sustaining basis.

Scribner's cast all the characters, Virginia Negroes, handling around 22 male and female roles. Not all, though, are in each chapter; not all characters are equally maintained by the author-actor. During the show caught (27), the thickness of the southern drawl varied considerably, sometimes sounding quite ofay which the author-actor, Herb.

There's break-in of news at 10:45 p.m. by John Facenda for Morris Plan Bank. Following the cut-out, which the ship reverts to Adams Clothes. Herb.

NANCY TURNER

Talks, Interviews
30 Mins.-Local
Sustaining
Daily, 11:15 a.m.
WJMA, New York

Before coming to New York from Baltimore, Nancy Turner was on WFBR and WBAL. Seems to have forgotten her individuality with trek north. It's another of the 'isn't it just too, too' type.

Couldn't get over stogie Allen Williams' (announcer) tie and his column. As similarly was wowed by meeting. As similarly Dewey at a party although she had attended many such big shot soirees in Washington, Annapolis, Baltimore, etc. Topped that one off with a political plug to boot. Then entering about steam electric irons, exquisite toiletries, and other femme gadgets the discoverer around town. Find out where to discover them by dropping her a card, says Nancy.

Only thing substantial was interview with Mrs. William C. Murrell, women's National Institute, who discussed various subjects. Mrs. Turner adopted a 'come, now, Mrs. Murrell' style of interrogating.

Miss Turner, the only sustainer on station with a contract, needs new and more adjectives for the choice of 'adorable' for describing everything she saw, ate or heard became rasping. Serves tea to studio audiences after her broadcasts. Hurl.

Follow-Up Comment

Comedy (that serious business) remains the main problem of the Texaco program, but progress has been made since the not-too-happy getaway some weeks ago. It's the first 15 minutes where the trouble bubbles concentrate. While the puns last week were, in general, better puns than the script gave out on the initial program, the flaw of not knowing where to stop was still noticeable. What the program still needs to have is the ruthlessness to cut where a judicious use of the scalpel would save the patient.

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the Rev. Hugh O'Donnell, vice-president of Notre Dame and a team-mate of 'Rock' was speaking about the fabulous coach in the interview on WABY, Albany. Just as Father O'Donnell finished a chat with Ed Healey, radio editor of an Albany daily, he put on the clinker of his broadcast: a record of Rockne's driving, staccato address to the Irish team before it went on the field for the 1928 game with the Army. Effect was uncanny, as though the end of one program had been timed to climax that on another in a nearby city.

Actually, the whole thing was pure coincidence.

Frank Mann, with Abe Lyman and the Amsterdam Chorus (Friday via WEAF) is still a soothing and pleasurable half hour for fire-side easy chairs. In contrast to the commercial's plug for Phillips Milk of Magnesia.

Munn's warm voice is over the plate. Lyman's boys' waltz and polka tunes are in the way, were being judiciously between the vocal sections. Catchy clarinet and accordion interpolations liven up any inclination toward monotony.

Cal Tinner's 'If I Had the Chance' sustainer on WJZ (28) gave 'em an assortment of celebs, but little in the way of enlightenment. There was a touch of 'Rock' in laughs, however, via Nellie Revell's reminiscences of Spangule advance-agent days and Tommy Riggs' double-voiced routine (Betty Lou).

Miss Revell's mike showman which is light in touch and authoritative in bone, was as a w.k.'s to parody Tinner's queries were Quentin Reynolds, writer, and editor, Archie Mayo, film director, and Rudy's Mayo, surgeon and coach of the New York football team.

Tinner, a humorist himself, paces the program for as many laughs as possible, which explains the fact that little in the way of actual information is given the listener. There was no inside from Mayo, for instance, on film direction; nor did Stevens dish out any factual grid stuff. Revell's notes were interesting in talking about his days as a foreign correspondent and his insatiable desire to stooge for Olsen and Johnson, current on Broadway in 'Hellzapoppin'.

Fibber McGee's Tuesday night contribution on NBC for Johnson's showman was shimmered down to a fancy, conglomeration of dialects, but consistently funny. In audience level the show is reminiscent of the stuff that fared well during the era of family time. Jim Jordan (McGee) still doesn't alter anything in the way of humor with which this class isn't thoroughly familiar. Other things in his favor are good old-fashioned ways of making the old stuff sound fresh.

Last week's instalment (25) furnished a pleasant musical combination in Donald Novis, the Four Notes and Billy Mills, batonist.

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'HUNGER FIGHTERS' Drama 30 Mins. Federal Theatre Radio Division Saturday 9 p.m. WABC-CBS, New York

Shift in the airing of this program from Thursday to Saturday is coincident with the dramatizations (of the fight against various diseases) entering the second of Paul de Kruif's five books. First series was 'Men Against Death' and treated the battle of science to conquer and partly eliminate human diseases. Second deals with efforts to down diseases of food, i.e., cattle, wheat, oats, etc.

Portrayals of the various parts by F.T.D. players gave a true life meaning, with an exception. One was the player in the part of Carlton's wife. Her voice was harsh and a bit overacted, in contrast to the narrated description of her.

Series should be good for general listening, but more so in the middle west, where it is also educational for the farm belt.

Typical Radio Waivers

(It will be noted that the author is sometimes required to write a letter to the buyer-to-be granting extraordinary privileges in advance. Agencies, networks and stations have belittled the author's claims of injustice and abuse and professed to see in the waiver system nothing not dictated by the realities of a litigation-minded floating population of 'writers' and 'idea' men with strong egos and weak ethics.)

I

Young & Rubicam, Inc.
285 Madison Avenue,
New York, N. Y.
Gentlemen:

I am asking you to let me present an idea which I think may be of interest to you or to any one of your clients. This presentation is being made on my own initiative and not at your request.

I thoroughly understand your policy with respect to ideas emanating from and presented by outside sources; namely, that you incur no obligation whatever to me with respect to such ideas . . . I recognize the fact that if the idea which I am about to present has come to you through some other sources (either within or without your agency) you have the absolute right to use such idea without any payment or obligation to me whatever.

Furthermore, I am entirely content to present the idea, relying upon your good faith in so far as the source of the idea is concerned . . . In the event that you subsequently do use the idea and in connection with such use claim that you received the idea from some source other than me, your word in that matter will be final.

It is only in consideration of my signing this letter, thereby releasing you from any obligation to me except such obligation as you may voluntarily assume that you are permitting me to present my idea.

(Signed)

Date.....

II

Blackett-Sample-Hummert, Inc.
221 North La Salle Street,
Chicago, Illinois.

I have submitted to you certain ideas, suggestions or other material for use by you in connection with advertising. I ask you to read and consider this material on the express understanding that I hereby waive and release any and all claims against you for compensation for any use, or alleged use, that you may make of such material, and I expressly agree that your decision as to whether you have used all or any part of it shall be conclusive and binding upon me.

.....(Seal)

III

WOR

Bamberger broadcasting Service, Inc., Newark, New Jersey
New York Business Office
1440 Broadway, New York, N. Y.

Dear Sir:

We understand that you desire to submit to us for our consideration a certain idea, plot, script, copy, poem, story, play, musical composition, musical arrangement, lyric, continuity or scenario (herein referred to as "idea").

We shall be glad to examine your idea but only upon the understanding that the use to be made of such idea by us and the compensation, if any, to be paid thereafter, are matters resting solely in our discretion.

If the terms herein stated meet with your approval, will you please sign this letter at the foot thereof.

Accepted

Return this form with your manuscript.

HEARST DUO STILL UNSOLD

Hearst Radio, Inc., is now without prospective buyers for either WISN, Milwaukee, or KYA, San Francisco. Negotiations have fallen through.

Dickner in the case of WISN was Ralph Atlas, operator of WJJD, Chicago, and WIND, Gary, Ind., with the parting due to sharp differences over financial terms. P. K. Wrigley was to be associated with him in this venture.

Hearing on the approval of the sale of KEHE, Los Angeles, to Earle C. Anthony, is due to come up shortly before the Federal Communications Commission.

Sports Don't Get Any

Cincinnati, Nov. 1.

Scratches and bruises were the only things brought back by members of the WSAI sales and promotion staffs from a coon hunt Saturday (29) night on the farm of Bill Guenther, promotion manager, in California, Ky.

Major Harrison, salesman, and Jack Thorngate, sales manager, headed the casualty list. Harrison stumbled down a 150-foot hill. Auto of Thorngate went off the road and did a triple somersault after the party ended. Machine was badly damaged. Thorngate was able to be on the job Monday (31).

None of the 26 members of the expedition reported even seeing a coon.

Columbus Gets Publicity Ray of Encouragement

Columbus, Nov. 1.

Local radio stations are rejoicing because The Sunday Star (published on Friday), is now carrying a full page of radio pictures. Dispatch (afternoon) until this development was the only paper using radio news other than the regular listings.

Citizen dropped radio news a few weeks ago. Ohio State Journal (morning) carries only listings with an occasional story.

INDIANAPOLIS SYMPH ON COLUMBIA WEB

Indianapolis Nov. 1.

Indianapolis Symphony orchestra under the direction of Fabien Sevitzky will broadcast a series of 16 one hour concerts over the CBS network between 2 and 3 o'clock Wednesday afternoons. WFPM will feed the network.

Last year the orchestra broadcast over the Mutual network. CBS broadcast will be for the radio audience only sans studio audience. Local musicians union cooperated in completing the arrangements. Programs will begin Wednesday, Nov. 23.

Special Events—But Dignified

Station WQXR, N. Y., is going in for 'special events'—but with dignity, states station. It's tying itself up with Debate Council of Columbia University, Cooper Union and going for special talks as its version of the trying-eggs-on-sidewalk side of the street.

Conducted for past 40 years, Cooper Union's Forums were aired for the first time this past Saturday (30).

Kaltenborn's Irony

Chicago, Nov. 1.

At a special luncheon tendered jointly by the University of Northwestern's school of journalism, the Columbia web and the Sigma Delta Chi frat, H. V. Kaltenborn last week told assembled newspapermen that the plaudits that have and are coming to him are startling. He stated that he thought his work during the crisis was a mere routine reporting and editorial job. He said that when he was in Spain and managed to get an actual broadcast of battle from the firing line, he thought he would come back home to hosannas from all sides, but that nobody thought it was anything.

He feels that it's a queer quirk of fate that makes him a national figure on account of a job he thought was quite routine, while the nation ignored the Spanish battle stunt at which he risked his life.

Radio Biz Clinic Led by Sponsor And Agcy. Exec

San Francisco, Nov. 1.

Speaking at the first fall meeting of the Radio Departmental of the San Francisco Advertising Club last week, Hassel Smith, of the Long Advertising Service, stated that the success of the Gallenkamp Stores Co. in maintaining a business edge was largely due to its consistent use of radio. Gallenkamp chain operates 101 stores in the larger Coast towns.

Smith, who presented the advertiser's point of view at the meet, said that while the shoe business in the Pacific area had slumped 15% during the recession, Gallenkamp's sales were 8% over last year's level. Smith recalled how shoe companies brought on sharp drops in business by withdrawing their support from shows that were clicking nicely for them. He cited the experience of the Peters shoe with 'Professor Puzzlewit' and the 'It's a Fact' programs.

Burton Granicher, McCann-Erickson network exec, presented the agency's viewpoint with a series of examples covering the radio activities of his firm's accounts ranging from Standard Oil and Pacific Coast Borax 'Death Valley Days' to spot announcements. He said that the Standard Oil Co. of California's 10-year-old 'Standard Symphony Hour' rates as one of its outstanding institutional radio campaigns of the industry.

Lindsey Spight, Coast manager for John Blair & Co., urged radio salesmen to concentrate on selling radio as the best advertising and devote less effort to competitive selling among networks and stations.

Glenn Van Auken's WIBC Managed by McLaughlin

Indianapolis, Nov. 1.

WIBC was baptized Sunday by the Indiana Broadcasting Corp., of which Glenn Van Auken is the president and owner. C. A. McLaughlin (ex WJH) is the station manager.

New station is without network affiliation. On the air from 6 a.m. until 6 p.m. It broadcasts on 1050 kilocycles. Indianapolis Star, which has cut out all radio gossip and cut program listings to bone carried news story of the new station. Indianapolis Times also carried. News announced they would carry the programs as soon as they received the listings.

Al Donahue guests on the Kate Smith program tomorrow night (3) as part of the singer's line of band-leader guest stars.

Expected That November Meeting Will Thrash Out Grievances Based on 'Signing Away Everything' —Price Fixing Clause Particularly Disliked

Another of the grievances the Radio Writers Guild will likely consider at its annual meeting Nov. 7 is the present setup under which authors are forced to waive all possible future claims before advertising agencies or networks will consider their scripts. According to Guild members, the existing conditions are grossly unfair and must be corrected.

Although each agency has its own release form which it requires writers submitting material to sign, all such forms are along the same general line. In each the writer agrees to waive all or any possible future claims against the agency for any use or alleged use of the material, to rely entirely on the good faith of the agency and that the agency's decision in all matters shall be final. In many such releases (the ones required by WOR, for instance) even the matter of whether or not payment for the use of the material is made, or of how much such payment will be, is left entirely up to the purchaser. Any such waivers or terms or requirements are unheard of in any other field of authorship.

Of course the motive of the agencies in this is the quelling the signing of such releases is to protect themselves against possible plagiarism and 'unfair competition' suits or claims. Explained that although the actual wording of the waivers is extreme, it is made so to deal with the 'lunatic fringe' who might (and from time to time do) submit impossible material and subsequently 'recognize' portions of their work in every broadcast. In actual practice, agency men explain, they deal with radio writers on a fair basis, attempting to help them work out ideas, discussing any likely material or ideas and paying for all material or ideas used.

Not Necessary?

However, while authors agree that the agencies must protect themselves against 'lunatic fringe' lawsuits, they dispute the theory that radio writers should have to sign away their rights merely to have their work considered. They believe some method could be worked out to correct what they regard as a one-sided situation. There is also a question of whether the waivers would stand up in a court test. VARIETY has obtained two conflicting opinions from legal experts. According to one copyright attorney, the waivers would not stand because they could not properly be rated as contracts, since no recompense is involved. The only consideration for signing is that the author's work shall be read. That is not sufficient consideration to make the waiver a legal contract, it is claimed.

According to the opposing view, the waivers are legally binding if they are correctly worded. Only inspection by an attorney could determine whether a waiver is correctly worded. Stated by this expert that not only is such a waiver binding but that there is a court case on record to substantiate. Attorney points out, however, that there are two ways to get around the waiver, both of which involve refusing to sign it. One is to submit the material by mail. In that case, if it is opened there is possible grounds for a suit. Other way is to submit an idea verbally, before the recipient can prevent it.

There is a case on record of an agency that was approached by a writer who explained his idea for a program and asked if the agency was interested. He was told to go ahead and develop it and submit it. He did so and the agency finally turned it down. He later sued on the ground that the instruction to go ahead and write it was authorization to do work for the agency, for which he was entitled to payment. Court awarded him \$5,000.

Price Clause Oubious

According to Guild members, the whole principle of the waiver is unjust. They claim that an author lives by his ideas and his ability to develop them into marketable form. Therefore he should not be required to waive his rights to his

livelihood. Furthermore, if the agency's motive is to protect itself against possible plagiarism suits, there is no justification for the clause permitting the purchaser arbitrarily to set the price for the material.

It is pointed out by the authors that the current agency practices are killing off the one source of talent they need most—that is, the writers. They explain that more than any other medium ever known, radio exhausts an enormous supply of material. Music and musicians, acting talent and so on can be used over and over again, but written material can with rare exceptions be used only once. Therefore, it is claimed, radio should make every effort to encourage writers, to develop new writers, which it will require in increasing numbers.

Practices such as forcing writers to sign waivers and the present setup under which authors are deprived of all subsidiary rights to their material without adequate pay, tend to discourage able writers, to drive them into other fields of authorship. Except for a few established (and pampered) few, radio writers are constantly trying to work into other fields of authorship, either through plays, magazine articles or books.

AFRA-NBC IN WGY IMPASSE

Schenectady, N. Y., Nov. 1.

A meeting between Kolin D. Hager, WGY manager, and Mark Woods, NBC executive, with Mrs. Emily Holt, of AFRA, broke up last week without an agreement on wages for announcers. However, it is reported that NBC instructed Hager to put into effect a five-day week. Reduction in straight time worked by station mikesmen under the Federal Wage and Hour Law is expected. Claimed that while schedules show the working hours have been within the limit, extra assignments made this meaningless.

Five regular announcers—two men from the news department are now taking turns also—have important added responsibilities. One, for instance, is accountable for all transcripts and records—alleged to be a full-time job in itself at the 50,000 wattage. Another takes care of copy-right clearances; one doubles as an office extra and director of talent auditions; a fellow miker writes continuity; a fifth does production for most of the local shows and writes his own scripts. Said, that none of these jobs have been on the spiefers' working schedule.

Junior League Studies Drama with McKinlay

Salt Lake City, Nov. 1.

This burg's future toney socialites are deserting their pouring duties once weekly to study radio acting technique in a program produced by KSL, local CBS affiliate.

Junior Leaguers getting the 'ether' lesson from Lynn McKinlay, recent addition to staff. He hails from the Coast having served an apprenticeship at the Pasadena Community Playhouse. Course lasts six weeks and ere they get their credit gals will appear in a playlet.

WPEN Plea Spurned

Philadelphia, Nov. 1.

Request by WPEN that the Philly Musicians' Local be ordered to take less than the quota set for it in the national agreement was turned down last week by Joe Weber, AFM prez. Reps of the outfit and of the 'Tooters' Local met with Weber in New York in an attempt to settle the dispute which has been on for months.

Claim File Record Made in Cleveland Was Broadcast on Boston Station

Cleveland, Nov. 1. Cleveland local of the American Federation of Musicians has asked the international office to protest to NBC about the broadcasting on another station of an acetate record which had been made by WTAM. WTAM, which is owned and operated by NBC, was also charged with neglecting to pay required scale to bandmen. Other station named was the shortwaver, WISK, which is associated with WBZ, Boston, and fed by NBC's international division.

Controversy revolves around a recording made at WTAM by Lee (Stubby) Gordon and the staff orchestra Oct. 8. Understanding had been that it was strictly for play-back and filing purposes. Same record, charges Milton W. Krasny, president of the local union, was cleared over the Boston shortwaver following the description of a fisherman's race Oct. 24. Krasny states that a check disclosed that the announcer mention Lee Gordon's name and that a further inquiry not only revealed that it was the same time but that there was no band leader of the same name around Boston.

Krasny wants WTAM or NBC to pay the men in Gordon's unit the difference between the \$10 paid under the scale for broadcasting and the \$56 fee required for recording services.

How It Happened

From NBC's international division it was learned yesterday (Tuesday) that the number complained about had been broadcast by the Boston shortwaver but not under the circumstances described by the Cleveland union. What had happened was that the network's international division had itself made an acetate of Gordon's broadcast for future shortwaving purposes, even though it had no right to do so.

Agreement between NBC and the New York musicians union permits the network to record NBC programs and clear them over its short-wave facilities providing this is done within a week. There is no similar arrangement with other AFM local. NBC's international division admits that it was wrong in the case of the Gordon show on two accounts; first, that it had no business making an acetate without the permission of the Cleveland union, and, secondly, that the shortwaving occurred over two weeks after the original broadcast.

MORE KMOX SHIFTS

Arthur Casey From Production to Publicity Assignment

St. Louis, Nov. 1. KMOX last week set Arthur Casey as Director of Public Relations. His job as Production Director goes to Rollie Williams. J. Norman Green, a gabber, moves into letter dept. These changes followed the resignation of James V. Huffman, assistant sales mgr. who joined the Chappelear Advertising Agency as v.p. and Lloyd Smith of the sales staff who went to WEW to become asst. to gen. mgr. Al S. Foster.

Casey will continue to handle the production of "The Lamp of Live In," historical drama sponsored by the Union Electric Co. of Mo., which will be resumed Sunday (6). Following the completion of the series Casey will devote his entire time to public relations.

'Family Doctor' Grabs Sponsor After One Wk.

Seattle, Nov. 1. With only one week of sustaining diet between sponsors, KIRD's 'Family Doctor' is now bankrolled by Consolidated Dairy Products. This three times weekly program was originally sponsored by Hansen Baking.

Program one of the standbys in Seattle radio.

WFBM's DX Football

Indianapolis, Nov. 1. WFBM is broadcasting several out-state football games. Short-wave truck following three big state teams in Indiana. They are Indiana, Purdue and Notre Dame. Games are broadcast by Len Riley, sports announcer.

Saturday Role

Washington, Nov. 1. New night hostess at NBC's Washington studios was no end flustered Saturday (22), when confronted by a visitor who introduced himself as Phil Baker and demanded to see the station manager. With all the bosses away for the weekend, newly hired young thing suggested that the prominent radio comedian return on Monday.

'Oh, but I can't do that,' the visitor explained patiently. 'You see I won't be Phil Baker on Monday. I'm only Phil Baker when I'm plastered.'

'Guest Experts' Look Into Station Operation In Don Searle Gala Clinic

Omaha, Nov. 1. Central States Broadcasting System gave itself the once over in a four-hour clinic attended by 75 members of staffs of KQIL, Omaha, and KFAB and KFRO, Lincoln, CSBS stations. Idea was brain child of Don Searle, general manager, and Frank Pellegrin, general sales manager.

Gene Katz and Lowell Jackson of the Katz Agency, Manager, Don Davis of WHB, Kansas City; Commercial Manager Craig Lawrence of KSO-KRNT, Des Moines; and Manager Herb Hollister of KANS, Wichita, Kan., were 'guest experts.'

Department heads held meetings during the day with subordinates and then all got together for report pow-wow. Final report was handed in at an Omaha hotel with Frank Throop, CSBS president, as speaker. Clinic is to be a semi-annual affair to study whys and hows of system's improvement.

Spatialy Girls Play Local G. E. Program

Milwaukee, Nov. 1. 'Three Little Spidys,' girl vocal trio from Little Spidys' 'House of Charm' orch, appeared at the Riverside theatre, did a guest spot on GE's 'Kilowatt Hour' over WTMJ. Sponsored nationally by General Electric's lamp division.

Zenith Calls Television Vague

Long Way to Go, Declares McDonald Statement to His Stockholders

Chicago, Nov. 1. E. F. McDonald, Jr., president of Zenith Radio Corp. takes a bearish attitude on television. In a letter sent out generally to stockholders and the press he says, in part:

'The offering for sale of television receivers at this time in view of the present state of the art is, in my opinion, unfair to the public, and premature, both for economic and technical reasons. Such premature introduction of television commercially will result in loading the public with undue experimental replacement cost, which, in turn, will result in retarding, instead of furthering development and in unprofitable operations for the companies engaging in such a program.'

'I do not believe the radio industry should ask the public to pay for its experimentation in television, at least without putting the public on notice that receivers put out at this time are on an experimental basis and may be subject to many costly changes and replacements.'

'I still feel as I stated at the last stockholders' meeting that "general use of television in the homes is just around the corner for the stock salesmen only." On the other hand, when we have overcome all of our difficulties, and when I say we, I mean the radio industry, television will no doubt become, a glorious new experience and a wonderful new industry. I feel that I am as close to the television picture, as the next man and Zenith is prepared at this time to produce and

AGENCIES-SPONSORS

WHO, DES MOINES

Onelida. BBD & O. 26 announcements of 30 words each and starting Oct. 15; 10 periods of 15 minutes each, 'Silver Serenade with Peggy Tudor.'

Firestone Tire. Sweeney & James, Cleveland. Beginning Nov. 15 for 26 period of 15 minutes each, 'Voice of the Farm.'

Truax Tracer Coal Co., Cincinnati. Via Harry E. Miller & Associates, Cincinnati. 13 periods of 15 minutes each, 'Truax Tracer Weather Prophet and News Reporter.'

Consolidated Drug Trade Products, Chicago. Through Benson & Dall, Chicago. 26 periods of 30 minutes each, participation in Iowa Barn Dance Frolic.

International Harvester Co., Aubrey, Moore & Wallace, Chicago. 52 periods of 30 minutes each, participation in Iowa Barn Dance Frolic.

McCormack & Co., Winona, Minn. McCord Co., Minneapolis. Beginning Oct. 25 for 26 periods of 15 minutes each.

DeKalb Agricultural Association, DeKalb, Ill. Frank Presbrey Co., New York. 30 minutes each, Corn Belt Farm Hour.

WOAI, SAN ANTONIO

Royal Baking Powder (Visiting nurse), five weekly 15 minutes' transcriptions. McCann-Erickson, New York.

Sears, Roebuck (Grandma Travels), five weekly 15 minutes' transcriptions, through Blackett-Sample-Hummert, Chicago.

Firestone Tire, 15 minutes' transcriptions, twice weekly, through Sweeney & James, Cleveland.

Comet Rice, twice weekly, 15-minute transcriptions, Freitag agency, Atlanta.

Dr. Caldwell's Syrup Pepsin ('The Party Line'), five 15-minute transcriptions through Cramer-Krasselt, Inc., Milwaukee.

Myrtles (Desert), 5 weekly 15-minute transcriptions through B. B. D. & O.

Dodge campaign has been spread over 60 stations, with 26 one-minute transcriptions to be run off at the rate of one a day including Saturday and Sunday. Placed by Ruthrauff & Ryan.

WLAW, Lawrence, Mass.

Whitfield Laundry, Newburyport, Mass., two weekly announcements, through Maxwell Davis, Boston.

Meadowbrook Laundry, Lawrence, Mass., 39 weeks, 15 minute daily, Mon.-Sat. Morning Devotional Period, with Leland Buzzell, devotional singer, and Stanley Schultz, organist.

Style Sheet for Orators

Washington, Nov. 1.

Considerable comment around town on National Association of Broadcasters' newest effort to stimulate interest in radio by the publication of booklets instructing the public 'How to Use Radio.'

Warning against 'the shouting, the platform stalking, the scowling, the arm-waver—the silver-tongued orator whose softest word could reach clean back to the balcony'—was given by Neville Miller, NAB prexy, in announcing publication of a new booklet designed to coach prospective radio speakers. Copies of the booklet are being distributed by radio stations throughout the land to 'all candidates for political office from sheriff to senator.' NAB also is issuing a digest of radio news, taken from various newspapers and magazines. Led off the first edition with a reprint of New York Daily News editorial blasting the F. C. C. for bluenosery on the Eugene O'Neill 'Beyond the Horizon' broadcast.

Guide to inexperienced broadcasters resembles style-sheets put out by most big dailies. Warns against the use of stilted and multisyllabled words, but also cautions that in using the microphone 'you speak, you don't shout.' Contains a reprint of the Federal law requiring transmitters to give equal facilities to legally qualified candidates of all duly recognized political parties.

Radio primer was well received in Washington, particularly in view of the unskilled orating which is heard in local studios when Congress is in session. Individuals in daily contact with lawmakers at the Capital already are hoping that returning solons will bring back copies of the NAB booklet, regardless of whether they are anticipating appearances on the air. Advice could be equally useful on the floor of the House of Representatives—or even in the Senate chamber—where old-fashioned methods of speechifying have not been brought up to date in more than a century.

ist. Continuation of a 52-week contract.

Arlington Trust Co., and Bay State Merchants Bank, both of Lawrence, Mass., co-sponsors of the e. t. series, 'Famous Homes of Famous Americans,' 13 weeks. Direct.

Practer & Gamble placed 'Ma Perkins' serial, transcribed, on KSPO, San Francisco.

Sommer & Kaufman (shoes), through Allied Advertising Agency, is on KSFO, San Francisco, with a weekly announcement over a one-year period.

Grove Laboratories (4-Way Cold Tablets) bankrolling 'Four Stars Tonight,' weekly quarter-hour transcribed variety show, on KPO, San Francisco, for 22 weeks. Also plugging Bromo Quinine in weather reports six nights a week. R. W. Kastor & Sons, Chicago, placed.

Bathasweet Corp. and the North American Accident Insurance Company are alternating as sponsors of the morning newscasts on KFO, San Francisco, with Bathasweet bankrolling the Monday, Wednesday and Friday broadcasts and the insurance firm plugging its policies on Tuesday and Thursday. Bob Andersen, of the KFO news staff, will make all programs. Both contracts are for 13 weeks, with H. M. Kiesewetter agency, New York, placing the Bathasweet account, and Franklin Bruck, Inc., New York, the other.

Eddie Casey, former Harvard varsity men's basketball player, is returning to WNAC-Yankee Network for Waitt & Bond, Inc., Newark, N. J., makers of Blackstone cigars.

International News Service bulletins being fed to a member of Inter-City chain from WMCA, New York, for first time this week. Starting Monday (17) ACBM, Baltimore, picked up news broadcast for same sponsor, Roma Wine Co.

Roma had a regular program on WMCA daily from 10:30 to 10:45 p.m. Now WMCA rebroadcasts to WBAL from 10:45 to 11:00 p.m.

Loose-Wiles Biscuits is out buying news reports through the Newell-Emmett agency. Latest contract is the 52-weeker given KMOX, St. Louis.

WTMJ, MILWAUKEE
Smith Brothers, Poughkeepsie, N. Y., 95 spots on Heinie and His Grenadiers, Brown & Tarcher.
Cherry Specialty Co., Chicago ('Dainties'), 52 one-minute announcements, Oscar L. Coe & Associates.
Milwaukee Automotive Trades, Inc., 'Auto Show,' 27 spots, Neisser-Meyerhoff.

Gridley Dairy Co., Milwaukee, dairy products, station breaks, Klau, Van Pietersom, Dunlap & Associates.
United Drug Co. (Rexall one-cent sale), Ben Beale in 'Magic Hour,' et, Street & Finney.

WOW, NEW YORK
Falon Corp. (Yuban Coffee), script show, 'The Rinaldi Family,' five quarter-hour a week. Arthur H. Ashley is the agency.
Mattia Locatelli, N. Y., branch,

twice weekly 15-minute musical series, for 13 weeks.

R. Romano & Son (Cucamonga Wine), twice weekly 15-minute musical series, for 13 weeks.

Minute Pudding (General Foods) is listed for a test campaign by way of spot announcements. Young & Rubicam is the agency.

Schwimmer & Scott agency has signed over renewing the Salerno biast show on WMAQ, Chicago, effective Nov. 27. It's a quiz show heard each Sunday at 30 minutes a shot, with Bob Brown pitching the questions.

Railway Express agency starts its annual spot campaign for Christmas business Nov. 15, using one-minute announcements this time. Caples Co. is the agency.

Young & Rubicam is working on a spot campaign for the Florists Telegraph Delivery account, which it recently acquired.

California Orange Growers finished 315 transcriptions for Sunbelt and bowed off the air.

Pet Milk renewed its quarter hour morning show, featuring Mary Lee Taylor, for another year on the Columbia Pacific network.

WBT, CHARLOTTE, N. C.
American Memorial Co., three 100-word announcements a week for 13 weeks, Groves-Keen, Inc.
General Mills, Inc. (Corn Kix), five 15-minute programs a week, Happy Gilman's E. T.'s, Blackett-Sample-Hummert.

Cracker-Jack Co., five one-minute announcements a week for 26 weeks, ET's, John H. Dunham Agency.
Procter & Gamble (Fluffo), five 15-minute programs a week, ET's, 'The Goldbergs,' Compton.

Olsen Rpg, three 15-minute transcribed programs a week for 13 weeks, Preston, Fellers & Preba.
Onelida, Ltd., two 100-word announcements a week for 13 weeks, studio show, B. B. D. & O.

Chrysler, 15 100-word announcements, for Plymouth cars, J. Stirling Getchell.

R.L. FERGUSON SUCCEEDS HOMER HOGAN AT WCLO

Chicago, Nov. 1. R. L. Ferguson has been named station manager of WCLO, Jansville, Fla. Ferguson has lately been on the sales staff here of the Weed station rep firm. He will replace Homer Hogan who had been with WCLO since leaving the Hearst radio set-up here.

Page Boy with Aces

Easy Aces will introduce a new character this week on their Anacin program. A singing orphan (in the plot).

He's Devere Englebach, 18-year old NBC page boy with a Caruso yen.

Ray Buffum, 'Big Town' writer, recu-

Inside Stuff—Radio

Hughes Panassie, French swing critic, guesting for Benny Goodman's Camel program last week, ran into radio's brand of censorship when attempting to answer script questions honestly. Nixed on several turns he finally settled matter by suggesting that prepared question in question be dropped altogether.

Submitted sheets asked that he name his six favorite bands. Panassie, who leans very heavily to Negro band leaders with his favors, selected four of that race among the six named. He also included name of a band leader who is currently appearing on a rival cigger program on rival net. Agency and CBS put its diplomats to work to straighten out 'issue.'

It was suggested that he at least equalize the number of whites and Negroes. It was also suggested that he obviously could not mention the opposite leader. It was then suggested by Panassie that whole question be dropped.

French Line is in middle of station rivalry between WMCA and WHN, N.Y., regarding 'gangplank broadcasts' by both stations. WHN picked up gangplanking this summer when WMCA dropped it. When latter resumed about a month ago it took precaution of getting an exclusive except for very special occasions. Since that time WHN has crashed through about three times, causing WMCA to burn.

WMCA has priority, having started first. However, French line is beginning to realize error made in excluding WMCA since it derives much revenue from persons associated with Metro-Goldwyn-Mayer and Loew, owners of WHN, through transatlantic travel.

With leasing of Old Aldine, Pittsburgh, by Harris Amuse. Co., it's just come to light that station KDKA there had been trying to work out a deal with building's owners whereby NBC-Westinghouse outfit might take over house to be used for regular broadcasts in view of big audiences. Regular KDKA studio can accommodate only around 200 spectators and bigger auditorium is sought. Wasn't able to compete with Harrises on rent. Efforts will be made instead to enlarge seating capacity at station.

Empire State Network, which has chosen as its letterhead a recumbent lion, a figure following the outline of New York State, has produced approximately 30 hours a week of sustaining programs for member stations since its organization in early September. Executive offices are in Albany, where Harold E. Smith, president and operating head of the chain, also does business as WOKO. Current political broadcasts have constituted the principal commercial business.

Leo Tyson, KMPC (Beverly Hills) boss, let go a nifty in the mail that had the radio trade howling. Tying in with a drug chain's 1c. sale, Tyson offered to throw in Los Angeles coverage for one copper, plus the Bevill's rate. Gag is that station is heard in L.A. as well as the snooty burg but topser was that the big town rates only 1c. Tyson's leaflet had a penny pasted in the corner. 'Radio's biggest bargain' he called it, 'two markets for the price of one.'

Recently-returned comic was ganged up by his scripters at rehearsal time in Hollywood and he came to believe he had a show of a show, with punch lines crowding each other off the pages. In timing the show he ordered two minutes set aside for audience laughs and the subsiding calm. Studio mob failed to take the count on the punch lines as writers promised and the show signed off one and a half minutes too soon, filling with the theme. Gagsters strangely missing at chime time.

Odd request got George Putnam, KSTP St. Paul announcer, out of bed the other morning. Medic at University hospital called to say that a young patient was dying, might not live another 24 hours because of blood poisoning, and that one of the lad's last requests was to meet Putnam, whose ardent air fan he was.

Putnam not only hurried off to the hospital, but spent the entire morning with the lad, until they took him to Rochester (Minn.).

Columbia Concerts Corp., New York, has increased its capital stock from 16,200 shares, 16,000 preferred, \$10 par value, and 200 common no par value, to 19,000 shares, 18,800 preferred, \$10 par value, and 200 common, no par value. Papers filed with the secretary of state at Albany by Rosenberg, Goldmark & Colvin.

Columbia Square, Hollywood, has already outgrown itself after one year. Plans are being drawn for additional studio space on the site. Plant is so crowded with production that it was necessary to farm out the Jack Haley show to a rental studio on Warners Sunset lot, recently abandoned by NBC.

Ernest Kotz, formerly in charge of all NBC programs coming from and going to Germany, is reported to be in the service of the Nazi government and propagandizing in South Africa. Kotz was center of many storms at NBC, during his stay.

Don Lee chain on the Coast is making first commercial use of Miller broadcasting sound tape transmission for transcribing programs.

Federal Judge John C. Knox has kept a complete file of transcripts on station WMCA's broadcasts of current spy trials in New York.

HOW HEARINGS ARE LINED UP

Washington, Nov. 1.
Procedure to be followed at the Nov. 14 chain broadcasting monopoly hearings announced last week by FCC Chairman Frank R. McIninch, with subject matter to be covered placed under four general headings.

(1) National networks will be called out first, in the order in which they commenced operation. Regional networks will follow in the same order and other witnesses will be heard with respect to various phases of network operations.

(2) Persons and organizations, not associated with broadcasting operations or transcription services, who filed written appearance with the investigating committee prior to Sept. 20. This will include religious and educational groups and individuals who want to be heard on the subject of radio.

(3) Industry witnesses supplying

evidence on management contracts, leases, agreements and other practices involving control and operation of transmitters by individuals other than the actual licensees.

(4) Licensees and other witnesses possessing information on the concentration of ownership or control of more than one broadcast station in the same or affiliated interests and who can supply evidence with reference to the business activities, other than broadcasting, of broadcast station licensees and persons exercising control through stock ownership or otherwise over licensees.

Transcription and recording companies will be called before the committee to testify as to their relationships with the industry and with reference to the quality of discs from both the technical and program standpoints.

Specific order covering individuals and organizations scheduled to appear, and an estimate of the time expected to be consumed, will be issued as far as possible in advance of the start of the hearing. Network witnesses will be revealed first, with similar information to be made available on other participants before each subject is taken up.

Voter Serenade

Los Angeles, Nov. 1.
Newest method of drumming up votes out this way is to pour hillbilly tunes into the ears of the electorate. Stuart Hamblen tried it with good effect in the primaries and is following through as candidate for congress from Pasadena district. His opponent, a Glendale attorney, is fighting fire with fire and is sponsoring Pauline Holden, mountain music queen on KEHE, as the spark plug of his campaign. Hamblen's singing cowhands are on the same station.

WREC CONDUCT CALLED RIGHT

Washington, Nov. 1.
Complaint that WREC, Memphis, violated the political neutrality clause of the Communications Act has been shelved, removing threat of punishment for incident which occurred in Tennessee's acrimonious political campaign last summer.

With the FCC showing no deep concern, WREC apprehension was erased when the Senate Campaign Expenditures Committee decided Thursday (27) that no offense was committed when W. M. Fuqua, chief sleuth for the Tennessee Crime Commission was barred from the mike. Solons concluded the station management was justified in denying Fuqua the right to talk about election conditions because he did not make his manuscript available for pro-broadcast scrutiny. Kick came from John R. Neal, unsuccessful candidate for the Democratic nomination to the U. S. Senate, who smelled an administration plot to gag his oratorical helpers.

Routine inquiry was made by the FCC upon learning of the yowl to the Senate probers but nothing has happened and indications are the Commission found nothing worthy of its attention.

Oil Sponsor Returns

Cincinnati, Nov. 1.
Standard Oil of Ohio is sponsoring a three-hour stretch, plus eight follow-up quarter-hour announcements on WSAI Nov. 8 to announce returns of hot Ohio state and local county elections. Starts at 8 p.m. Using direct lines into county board of elections and Democratic and Republican headquarters. Account placed by McCann-Erickson, Cleveland, and J. Ralph Corbett, Inc., Cin.

Magic Key in Frisco

San Francisco, Nov. 1.
ntire 'Magic Key of RCA' program originated here Sunday (30), with Ebe Stignani, mezzo-soprano; Richard Bonelli, baritone; Dino Borgioli, tenor, and the San Francisco Opera company chorus and orchestra under Gaetano Merola being picked up from the War Memorial Opera House and miked on Hal Gibney, airing a description of Treasure Island, site of the 1939 Golden Gate International Exposition, from a Pan American Airways flying boat.

Musical portion was produced by John Ribbe, the plane broadcast by Don Thompson.

International Series from Europe Will Bally N. Y. Expo During 1939

Networks have agreed to start plugging the New York World's Fair around the first of 1939 with series of rebroadcasts from Europe. Program will be carried at the same time on NBC, Columbia and Mutual. Period selected is 1:30 to 2 p. m. Sundays. NBC will carry it on the red (WEAF). In the meantime it will have to find another spot for the Bob Becker dog stories (Morrell) which now holds the 1:45 to 2 o'clock slot.

Schedule calls for 23 such European pickups. First one will have the British Commissioner to the Fair retell his plans for the exposition, while the British Broadcasting Co. will supply the music.

Federal Project Plus Cuffo Name Stars to Canada Via Mutual

KYA's New Music Set-Up

San Francisco, Nov. 1.
New orchestra, with strings predominating, debuts on KYA here this week under the baton of Walter Rudolph and replaces swing and cowboy bands previously on the Hearst outlet's staff. The change in musicians was ordered by Reiland Quinn, new program manager, who is spotting the concert orchestra three mornings a week from 10 to 10:30 a.m. PST. Quinn believes there is need for more classical music during daytime hours, and also wants to avoid network competition at night. He is also adding to the KYA staff a vibraphone, guitar, piano and accordion combo to play a lighter type of music during the noon period daily.

Congressman-Reporter In Hot Verbal Volley Over Mutual Network

Washington, Nov. 1.
Political feud over Congressional inquiry into activities of un-American groups put Mutual Broadcasting System and its local outlet, WOL, between counter barrages this week and brought general accusation against radio as an institution. Headline fuss was provoked when WOL-MBS made facilities available to Rep. Martin Dies of Texas to defend his House Committee against charges of unfairness and bias fired by President Roosevelt, Administration echoes, and individuals attacked at recent hearings during the inquiry. Immediately, Democrats demanded a chance to respond to the Texan, who retorted that White House pressure was being exerted to gag him.

Dies' speech went on as scheduled Monday night (31) and was followed immediately by caustic comments of Paul Y. Anderson, reporter for the St. Louis Star-Times and stern critic of the Dies committee. Charles Michelson, propagandist for the Democratic National Committee, admitted he had been responsible for having Anderson booked to give an 'eye-witness account' of the way the Congressional sleuths operate. The politico-publisher explained 'whenever a Democratic candidate is attacked, it is part of my job to defend him,' justifying his part by the fact that 'ies had dragged out evidence humiliating Governor Frank Murphy of Michigan.'

Hullabaloo was a sequel to an unprecedented step by President Roosevelt, who late Tuesday (25) rebuked the Dies group in sizzling phrases. Besides issuing equally-hot press statements, Dies immediately prepared a speech answering critics of his inquiry.

Bowling Scores at 11:15 P.M.

Indianapolis.
Len Riley, WFBB sports announcer broadcasting daily bowling scores from all alleys in Indianapolis at 11:15 o'clock every night. Proprietors of the alleys cooperate in phoning in scores.

Colvin Cut Off Air

Spokane, Nov. 1.
A few seconds after Ewing D. Colvin, republican nominee for U. S. senator against incumbent Homer T. Bone, began an address at a mass meeting here he was cut off the air by KGA. Republicans, bombarded the station with protests. KGA contended that Colvin strayed from the copy of his speech sent in advance to the radio station in accordance with FCC regulations. Colvin was just launching into an account of his World War experiences when KGA cut him off with a recording of the Marseillaise.

Federal Theatre Radio Division's 'Command Performance' series which has been in the works for six months will start on a Mutual-Canadian hookup some time in December. Series will be full hour dramatizations of plays selected for airing via a poll of several hundred radio editors. MBS has scheduled them for Sunday nights.

Regular FTRD players will be augmented by the addition of guest stars from legit who will donate their services alternately, one each airing. Among those are Maurice Evans, Burgess Meredith, Orson Welles, Sir Cedric Hardwicke, Sarah Allgood, Sylvia Sydney, Whitford Kane, William Janney and Lillian Gish. Latter name is still tentative.

Some of the plays selected have been done on the air by FTRD players before. The 13 named are: 'Henry 2d,' 'Ghosts,' 'Lilium,' 'The Weavers,' 'Ah Wilderness,' 'Adding Machine' by Elmer Rice, 'Cyrano de Bergerac,' 'Winterset,' 'Elizabeth the Queen,' 'Berkeley Square,' 'Barretts of Wimpole St.,' and 'Juno and the Paycock.'

LAWYERS HOPE CBS APPEALS KSFO

Washington, Nov. 1.
Challenge of the Federal Communications Commission's stand on station leases containing recapture clauses is anxiously desired by legal fraternity which is urging CBS to seek court review of the recent decision disapproving agreement under which the web would take over KSFO, San Francisco, for not more than 15 years. Importance of the FCC interpretation of the law lies in the fact that approximately a score of transmitters have been rented by networks and host of deals may have to be renegotiated to conform with the FCC's slant. In the opinion of many attorneys, the Commission went far afield in construing the law so stringently. Curbstone opinions preponderantly emphasize the Commission has control over the operation of the station, and its powers are not restricted by any understanding to which it is not a party. Few take the same view as the FCC, however, and feel the Commission does bind itself by approving pacts with guarantees that the original owner shall get back his property at some distant date.

DON LEE ASKS FOR VISIO LICENSE IN S. F.

Los Angeles, Nov. 1.
Don Lee chain, televising daily here for the past seven years, has applied to Federal Communications Commission for permission to set up similar facilities in San Francisco pending issuance of a license. New plant will be for experimental programs to be signalled across Pacific. Harry Lubcke, visio head of the network is undecided on the equipment to be used if the new venture is okayed by the comish.

Farnsworth On View

San Francisco, Nov. 1.
First public demonstration here of Farnsworth television was viewed by 100 newspaper and radio men and members of the Merchants' Exchange last Thursday (27), with several acts supplied by Fanchon & Marco providing the subjects.

Irene Beasley will originate her 'R.F.D. No. 1' program (CBS) out of KMOX, St. Louis, for a week starting Nov. 7. Her scripts from that point will deal with the curricular doings at Stevens College, Columbia, Mo., which mention recently drew lots of fan mail.

Claim File Record Made in Cleveland Was Broadcast on Boston Station

Cleveland, Nov. 1. Cleveland local of the American Federation of Musicians has asked the international office to protest to NBC about the broadcasting on another station of an acetate record which had been made by WTAM. WTAM, which is owned and operated by NBC, was also charged with neglecting to pay required scale to bandmen. Other station named was the shortwaver, WISK, which is associated with WBZ, Boston, and fed by NBC's international division.

Controversy revolves around a recording made at WTAM by Lee (Stubby) Gordon and the staff orchestra Oct. 8. Understanding had been that it was strictly for play-back and filing purposes. Same record, charges Milton W. Krasny, president of the local union, was cleared over the Boston shortwaver following the description of a fisherman's race Oct. 24. Krasny states that a check disclosed that the another music man, Lee Gordon's name and that a further inquiry not only revealed that it was the same time but that there was no band leader of the same name around Boston.

Krasny wants WTAM or NBC to pay the men in Gordon's unit the difference between the \$10 paid under the scale for broadcasting and the \$56 fee required for recording services.

How It Happened

From NBC's international division it was learned yesterday (Tuesday) that the number complained about had been broadcast by the Boston shortwaver but not under the circumstances described by the Cleveland union. What had happened was that the network's international division had itself made an acetate of Gordon's broadcast for future shortwaving purposes, even though it had no right to do so.

Agreement between NBC and the New York musicians union permits the network to record NBC programs and clear them over its short-wave facilities providing this is done within a week. There is no similar arrangement with any other AFM local. NBC's international division admits that it was wrong in the case of the Gordon show on two accounts: first, that it had no business making an acetate without the permission of the Cleveland union, and, secondly, that the shortwaving occurred over two weeks after the original broadcast.

MORE KMOX SHIFTS

Arthur Casey From Production to Publicity Assignment

St. Louis, Nov. 1. KMOX last week set Arthur Casey as Director of Public Relations. His job as Production Director goes to Rolfe Williams. J. Norman Green, a gabber, moves into latter dept. These changes followed the resignation of James V. Huffman, asst. sales mgr. who joined the Chapelow Advertising Agency as v.p. and Lloyd Smith of the sales staff who went to WDW to become asst. to gen. mgr. Al S. Foster.

Casey will continue to handle the production of 'The Land We Live In,' historical drama sponsored by the Union Electric Co. of Mo., which will be resumed Sunday (6). Following the completion of the series Casey will devote his entire time to public relations.

'Family Doctor' Grabs

Sponsor After One Wk.

Seattle, Nov. 1. With only one week of sustaining diet between sponsors, KIRD's 'Family Doctor' is now bankrolled by Consolidated Dairy Products. The three times weekly program was originally sponsored by Hansen Baking.

Program one of the standbys in Seattle radio.

WFBM's DX Football
Indianapolis, Nov. 1. WFBM is broadcasting several out-state football games. Short-wave truck following three big state teams in Indiana. They are Indiana, Purdue and Notre Dame. Games are broadcast by Len. They, sports announcer.

Saturday Role

Washington, Nov. 1. New night hostess at NBC's Washington studios was no end flustered Saturday (22), when confronted by a visitor who introduced himself as Phil Baker and demanded to see the station manager. With all the bosses away for the weekend, newly-hired young thing suggested that the prominent radio comedian return on Monday.

"Oh, but I can't do that," the visitor explained patiently. "You see I won't be Phil Baker on Monday, I'm only Phil Baker when I'm plastered."

'Guest Experts' Look Into Station Operation In Don Searle Gala Clinic

Omaha, Nov. 1. Central States Broadcasting System gave itself the once over in a four-hour clinic attended by 75 members of staffs of KOIL, Omaha, and KFAB and KFOR, Lincoln, CBS stations. Idea was brain child of Don Searle, general manager, and Frank Pellegrin, general sales manager.

Gene Katz and Lowell Jackson of the Katz Agency, Manager Don Davis of WHB, Kansas City; Commercial Manager Craig Lawrence of KSO-KRNT, Des Moines; and Manager Herb Hollister of KANS, Wichita, Kan., were 'guest experts.' Department heads held meetings during the day with subordinates and then all got together for report pow-wow. Final deal was banquet at an Omaha hotel with Frank Throop, CBS president, as speaker. Clinic is to be a semi-annual affair to study ways and hows of system's improvement.

Spitalny Girls Play Local G. E. Program

Milwaukee, Nov. 1. 'Three Little Words,' girl vocal trio from Phil Spitalny's 'Hour of Charm' orch, appearing at the Riverside theatre, did a guest spot on GE's 'Kilowatt Hour' over WTMJ.

Sponsored nationally by General Electric's lamp division.

AGENCIES-SPONSORS

WHO, DES MOINES

Onelda, BBD & O. 26 announcements of 30 words each and starting Oct. 15; 10 periods of 15 minutes each, 'Silver Serenade with Peggy Taylor.'

Firestone Tire. Sweeney & James, Cleveland. Beginning Nov. 15 for 26 period of 15 minutes each, 'Voice of the Farm.'

Trux Tracer Coal Co., Cincinnati. Via Harry B. Miles & Associates, Cincinnati. 13 periods of 15 minutes each, 'Trux Tracer Weather Prophet and News Reporter.'

Consolidated Drug Trade Products, Chicago. Through Benson & Dall, Chicago. 26 periods of 30 minutes each, participation in Iowa Barn Dance Frolic.

International Harvester Co. Aubrey, Moore & Wallace, Chicago. 52 periods of 30 minutes each, participation in Iowa Barn Dance Frolic.

McConnell & Co., Winona, Minn. McCord Co., Minneapolis. Beginning Oct. 25 for 26 periods of 15 minutes each.

DeKalb Agricultural Association, DeKalb, Ill. Frank Presbury Co., New York. 30 minutes each, Corn Belt Farm Hour.

WOAI, SAN ANTONIO

Royal Baking Powder (Visiting names), five weekly, 15 minutes' transcriptions. McCann-Erickson, New York.

Sears, Roebuck (Grandma Travels), five weekly 15 minutes' transcriptions through Blackett-Sample-Hummert, Chicago.

Firestone Tire, 15 minutes' transcriptions, twice weekly, through Sweeney & James, Cleveland.

Comet Rice, twice weekly, 15-minute transcriptions. Freitag Agency, Atlanta.

Dr. Caldwell's Syrup Pepsin ('The Party Line'), five 15-minute transcriptions through Cramer-Krasselt, Inc., Milwaukee.

Mythine (Desert), 5 weekly 15-minute transcriptions through B. B. D. & O.

Dodge campaign has been spread over 60 stations, with 26 one-minute transcriptions to be run off at the rate of one a day including Saturday and Sunday. Placed by Ruthrauff & Ryan.

WLAW, Lawrence, Mass.

Whitfield Laundry, Newburyport, Mass., 13 weeks, announcements, through Maxwell Davis, Boston.

Meadowbrook Laundry, Lawrence, Mass., 39 weeks, 15 minute daily, Mon-Sat. Morning Devotional. Federated Leland Buzzell, devotional singer, and Stanley Schultz, organ.

Zenith Calls Television Vague

Long Way to Go, Declares McDonald Statement to His Stockholders

Chicago, Nov. 1. E. F. McDonald, Jr., president of Zenith Radio Corp. takes a bearish attitude on television. In a letter sent out generally to stockholders and the press he says, in part:

"The offering for sale of television receivers at this time in view of the present state of the art is, in my opinion, unfair to the public, and premature, both for economic and technical reasons. Such premature introduction of television, common daily will result in loading the public with undue experimental replacement cost, which, in turn, will result in retarding, instead of furthering development and in unprofitable operations for the companies engaging in such a program.

"I do not believe the radio industry should ask the public to pay for its experimentation in television, at least without putting the public on notice that receivers put out at this time are on an experimental basis and may be subject to many costly changes and replacements.

"I still feel as I stated at the last stockholders' meeting that 'general use of television in the homes is just around the corner for the stock salesmen only.' On the other hand, when we have overcome all of our difficulties, and when I say we, I mean the radio industry, television will no doubt become a glorious new experience and a wonderful new industry. I feel that I am as close to the television picture, as the next man and Zenith is prepared at this time to produce and

sell television receivers, but I am not ready to take the public's money until television is good and ready to provide money's worth to that public.

"Television holds the most fascinating possibilities ever envisioned by an eager public, but I cannot agree that television receivers are ready for mass production and country-wide distribution on any such basis as even the first radio broadcast sets that were distributed in the early Twenties.

"Television is essentially different from anything with which we have had to deal in the past. The first automobiles constructed and sold to the public, unless they have been worn out from use, will still operate on our highways today, and with the gasoline now used. Likewise, the first radio broadcast receivers constructed and sold to the public will still operate and reproduce programs broadcast from the most modern broadcasting stations of today. On the other hand, the television receiving set of one year ago is already obsolete and cannot be operated in the home with the latest television transmitter of today.

"What the public should know, and has not been told, about television is that the receivers must be matched to, synchronized with and built on the same standards as the transmitters. Any major change made in the television transmitter will necessitate a change in the receiver. This, of course, is not true of radio receiving sets."

Style Sheet for Orators

Washington, Nov. 1.

Considerable comment around town on National Association of Broadcasters' newest effort to stimulate interest in radio by the publication of booklets instructing the public 'How to Use Radio.' Warning against 'the shouting, the platform stalking, the scowling, the arm-waver—the silver-tongued orator whose softest word could reach clean back to the balcony—' was given by Neville Miller, NAB prexy, in announcing publication of a new booklet designed to coach prospective radio spiliers. Copies of the booklet are being distributed by radio stations throughout the land to 'all candidates for political office from sheriff to senator.' NAB also is issuing a digest of radio news, taken from various newspapers and magazines. Led off the first edition with a reprint of New York Daily News editorial blasting the F. C. C. for bluntness on the Eugene O'Neill 'Beyond the Horizon' broadcast.

Guide to inexperienced broadcasters resembles style-sheets put out by most big dailies. Warns against the use of stilted and multi-syllabled words, but also cautions that in using the microphone you speak, you don't shout. Contains a reprint of the Federal law requiring transmitters to give equal facilities to legally qualified candidates of all duly recognized political parties.

Radio primer was well received in Washington, particularly in view of the unskilled orating which is heard in local studios when Congress is in session. Individuals in daily contact with lawmakers at the Capital already are hoping that returned soldiers will bring back copies of the NAB booklet, regardless of whether they are anticipating appearances on the air. Advice could be equally useful on the floor of the House of Representatives—or even in the Senate chamber—where old-fashioned methods of speechifying have not been brought up to date in more than a century.

ist. Continuation of a 52-week contract.

Arlington Trust Co., and Bay State Merchants Bank, both of Lawrence, Mass., co-sponsors of the e. t. series, 'Famous Homes of Famous Americans,' 13 weeks. Direct.

Procter & Gamble placed 'Ma Perkins' serial, transcribed, on KSPQ, San Francisco.

Sommer & Kaufman (shoes), through Allied Advertising Agencies, is on KSPQ, San Francisco, with a weekly announcement over a one-year period.

Grove Laboratories (4-Way Cold Tablets) bankrolling 'Four Stars Tonight,' weekly quarter-hour transcribed variety show, on KPO, San Francisco, for 22 weeks. Also plugging Bromo Quinine in weather reports six nights a week. R. W. Kastor & Sons, Chicago, placed.

Bathasweet Corp. and the North American Accident Insurance Company are alternating as sponsors of the morning newscasts on KPO, San Francisco, with Bathasweet bankrolling the Monday, Wednesday and Friday broadcasts and the insurance firm plugging its policies on Tuesday and Thursday. Bob Anderson of the KPO news staff, will make all programs. Both contracts are for 13 weeks, with H. M. Kiesewetter agency, New York, placing the Bathasweet account, and Franklin Bruck, Inc., New York, the other.

Eddie Casey, former Harvard varsity mentor, made his seasonal return to WNAC-Yankee Network for Waitt & Bond, Inc., Newark, N. J., makers of Blackstone cigars.

International News Service bulletins being fed to a member of Inter-City chain from WMCA, New York, for first time this week. Starting Monday (7) ABCM, Baltimore, picked up news broadcast for same sponsor, Roma Wine Co.

Roma had a regular program on WMCA daily from 10:30 to 10:45 p.m. Now WMCA rebroadcasts to WBAL from 10:45 to 11:00 p.m.

Loose-Wiles Blounts is out buying news periods through the Newell-Emmett agency. Latest contract is the 52-weeker given KMOX, St. Louis.

WTMJ, MILWAUKEE
Smith Brothers, Poughkeepsie, N. Y., 95 spots on Heinie and His Greasers, Brown & Tarcher.

Cherry Specialty Co., Chicago ('Dainties'), 52 one-minute announcements, Oscar L. Coe & Associates.

Milwaukee Automotive Trades, Inc., 'Auto Show,' 27 spots, Neisser-Meyerhoff.

Gridley Dairy Co., Milwaukee, dairy products, station breaks, Klau, Van Petersom, Dunlap & Associates.

United Drug Co. (Rexall one-cent sale), Ben Bernie in 'Maggie Hour,' et, Street & Finney.

WOV, NEW YORK

Paton Corp. (Yuban Coffee), script show, 'The Rhinoldi Family,' five quarter-hour a week. Arthur H. Ashley is the agency.

Mattia Locatelli, N. Y., branch,

twice weekly 15-minute musical series, for 13 weeks.

R. Romano & Son (Cucamonga Wine), twice weekly 15-minute musical series, for 13 weeks.

Minute Pudding (General Foods) is listed for a test campaign by way of spot announcements. Young & Rubicam is the agency.

Schwimmer & Scott agency has signed order renewing the Salerno biscuit show, on WMAQ, Chicago, effective Nov. 27. It's a quiz show heard each Sunday at 30 minutes a shot, with Bob Brown pitching the questions.

Railway Express agency starts its annual spot campaign for Christmas business Nov. 15, using one-minute announcements this time. Caples Co. is the agency.

Young & Rubicam is working on a spot campaign for the Florists Telegraph Delivery account, which it recently acquired.

California Orange Growers finished 315 transcriptions for Sunbelt and bowed off the air.

Pet Milk renewed its quarter hour morning show, featuring Mary Lee Taylor, for another year on the Columbia Pacific network.

WBT, CHARLOTTE, N. C.
American Memorial Co., three 100-word announcements a week for 13 weeks. Groves-Koen Inc.

General Mills, Inc. (Corn Kix), five 15-minute programs a week, Happy Gilman's E. T's, Blackett-Sample-Hummert.

Cracker-Jack Co., five one-minute announcements a week for 26 weeks, E.T's, John H. Dunham Agency.

Frederick Gamble (Ruffo), five 15-minute programs a week, E.T's, 'The Goldbergs,' Compton.

Olsen Rug, three 15-minute transcribed programs a week for 13 weeks, Presba, Fellers & Presba.

Onelda, Ltd., two 100-word announcements a week for 13 weeks, studio show, B. B. D. & O.

Chrysler, 15 100-word announcements and eight 25-word announcements, for Plymouth cars, J. Stirling Getchell.

R.L. FERGUSON SUCCEEDS HOMER HOGAN AT WCLO

Chicago, Nov. 1. R. L. Ferguson has been named station manager of WCLO, Janesville, Wis. Ferguson has lately been on the sales staff here of the Weed station rep firm.

He will replace Homer Hogan who has been with WCLO since leaving the Hearst radio set-up here.

Page Boy with Aces

Easy Aces will introduce a new character this week on their Anacin program. A singing orphan (in the plot).

He's Devere Eglebach, 18-year-old NBC page boy with a Caruso yen.

Ray Buflum, 'Big Town' writer, recapping on the desert from his hospital sledge.

Inside Stuff—Radio

Hughes Panassie, French swing critic, guesting for Benny Goodman's Camel program last week, ran into radio's brand of censorship when attempting to answer script questions honestly. Nixed on several turns he finally settled matter by suggesting that prepared question in question be dropped altogether.

Submitted sheets asked that he name his six favorite bands. Panassie, who leans very heavily to Negro band leaders with his favors, selected four of that race among the six named. He also included name of a band leader who is currently appearing on a rival clog program on rival net. Agency and CBS put its diplomats to work to straighten out 'issue.'

It was suggested that he at least equalize the number of whites and Negroes. It was also suggested that he obviously could not mention the opposite leader. It was then suggested by Panassie that whole question be dropped.

French Line is in middle of station rivalry between WMCA and WHN, N.Y., regarding 'gangplank broadcasts' by both stations. WHN picked up gangplanking this summer when WMCA dropped it. When latter resumed about a month ago it took precaution of getting an exclusive except for very special occasions. Since that time WHN has crashed through about three times, causing WMCA to burn.

WMCA has priority, having started stunt first. However, French line is beginning to realize error made in excluding WMCA since it derives much revenue from persons associated with Metro-Goldwyn-Mayer and Loew, owners of WHN, through transatlantic travel.

With leasing of old Aldine, Pittsburgh, by Harris Amuse. Co., it's just come to light that station KDKA there had been trying to work out a deal with building's owners whereby NBC-Westinghouse outfit might take over house to be used for regular broadcasts in view of big audiences. Regular KDKA studio can accommodate only around 200 spectators and bigger auditorium is sought. Wasn't able to compete with Harris on rent. Efforts will be made instead to enlarge seating capacity at station.

Empire State Network, which has chosen as its letterhead a recumbent lion, a figure following the outline of New York State, has produced approximately 30 hours a week of sustaining programs for member stations since its organization in early September. Executive offices are in Albany, where Harold E. Smith, president and operating head of the chain, also does business as WOKO. Current political broadcasts have constituted the principal commercial business.

Leo Tyson, KMPC (Beverly Hills) boss, let go a nifty in the mail that had the radio trade howling. Tying in with a drug chain's l.c. sale, Tyson offered to throw in Los Angeles coverage for one copper, plus the Bevilhairs rate. Gag is that station is heard in L.A. as well as the snooty burg but topser was that the big town rates only l.c. Tyson's leaflet had a penny pasted in the corner. 'Radio's biggest bargain' he called it, 'two markets for the price of one.'

Recently returned comic was ganged up by his scripters at rehearsal time in Hollywood and made to believe he had a vow of a show, with punch lines crowding each other off the pages. In timing the show he ordered two minutes set aside for audience laughs and the subediting calm. Studio mob failed to take the count on the punch lines as writers promised and the show signed off one and a half minutes too soon, filling with the theme. Gagsters strangely missing at chime time.

Odd request got George Putnam, KSTP St. Paul announcer, out of bed the other morning. Medic at University hospital called to say that a young patient was dying, might not live another 24 hours because of blood poisoning, and that one of the lad's last requests was to meet Putnam, whose ardent air fan he was.

Putnam not only hurried off to the hospital, but spent the entire morning with the lad, until they took him to Rochester (Minn.).

Columbia Concerts Corp., New York, has increased its capital stock from 16,200 shares, 16,000 preferred, \$10 par value, and 200 common no par value, to 19,000 shares, 18,800 preferred, \$10 par value, and 200 common, no par value. Papers filed with the secretary of state at Albany by Rosenberg, Goldmark & Colton.

Columbia Square, Hollywood, has already outgrown itself after one year. Plans are being drawn for additional studio space on the site. Plant is so crowded with production that it was necessary to farm out the Jack Haley show to a rental studio on Warners Sunset lot, recently abandoned by NBC.

Ernest Kotz, formerly in charge of all NBC programs coming from and going to Germany, is reported to be in the service of the Nazi government and propagandizing in South Africa. Kotz was center of many storms at NBC during his stay.

Don Lee chain on the Coast is making first commercial use of Miller broadcasting sound tape transmission for transcribing programs.

Federal Judge John C. Knox has kept a complete file of transcripts on station WMCA's broadcasts of current spy trials in New York.

HOW HEARINGS ARE LINED UP

Washington, Nov. 1.

Procedure to be followed at the Nov. 14 chain broadcasting monopoly hearings announced last week by FCC Chairman Frank R. McNinch, with subject matter to be covered placed under four general headings.

(1) National networks will be called out first, in the order in which they commenced operation. Regional networks will follow in the same order and other witnesses will be heard with respect to various phases of network operations.

(2) Persons and organizations, not associated with broadcasting operations or transcription services, who filed written appearance with the investigating committee prior to Sept. 20. This will include religious and educational groups and individuals who want to be heard on the subject of radio.

(3) Industry witnesses supplying

evidence on management contracts, leases, agreements and other practices involving control and operation of transmitters by individuals other than the actual licensees.

(4) Licensees and other witnesses possessing information on the concentration of ownership or control of more than one broadcast station in the same or affiliated interests and who can supply evidence with reference to the business activities, other than broadcasting, of broadcast station licensees and persons exercising control through stock ownership or otherwise over licensees.

Transcription and recording companies will be called before the committee to testify as to their relationships with the industry and with reference to the quality of discs from both the technical and program standpoints.

Specific order covering individuals and organizations scheduled to appear, and an estimate of the time expected to be consumed, will be issued as far as possible in advance of the start of the hearing. Network witnesses will be revealed first, with similar information to be made available on other participants before each subject is taken up.

Voter Serenade

Los Angeles, Nov. 1.

Newest method of drumming up votes out this way is to pour hillbilly tunes into the ears of the electorate. Stuart Hamblen tried it with good effect in the primaries and is following through as candidate for congress from Pasadena district.

His opponent, a Glendale attorney, is fighting fire with fire and is sponsoring Pauline Holden, mountain music queen on KEHE, as the spark plug of his campaign. Hamblen's singing cowhands are on the same station.

WREC CONDUCT CALLED RIGHT

Washington, Nov. 1.

Complaint that WREC, Memphis, violated the political neutrality clause of the Communications Act has been shelved, removing threat of punishment for incident which occurred in Tennessee's acrimonious political campaign last summer.

While the FCC showing no deep concern, WREC apprehension was erased when the Senate Campaign Expenditures Committee decided Thursday (27) that no offense was committed when W. M. Fugua, chief sleuth for the Tennessee Crime Commission was barred from the mike. Solons concluded the station management was justified in denying Fugua the right to talk about election conditions because he did not make his manuscript available for pre-broadcast scrutiny. Kick came from John R. Neal, unsuccessful candidate for the Democratic nomination to the U. S. Senate, who smelled an Administration plot to gag his oratorical efforts.

Routine inquiry was made by the FCC upon learning of the yowl to the Senate probers but nothing has happened and indications are the Commission found nothing worthy of its attention.

Oil Sponsor Returns

Cincinnati, Nov. 1.

Standard Oil of Ohio is sponsoring a three-hour stretch, plus eight follow-up quarter-hour announcements on WSAI Nov. 8 to announce returns of hot Ohio state and local county elections. Starts at 8 p.m. Using direct lines into county board of elections and Democratic and Republican headquarters. Account placed by McCann-Erickson, Cleveland, and J. Ralph Corbett, Inc., Cincy.

Magic Key in Frisco

San Francisco, Nov. 1.

ntire 'Magic Key of RCA' program originated here Sunday (30), with Ebe Stignani, mezzo-soprano; Richard Bonelli, baritone; Dino Borgioli, tenor, and the San Francisco Opera company chorus and orchestra under Gaetano Merola being picked up from the War Memorial Opera House and mikemar Hol Glimery airing a description of Treasure Island, site of the 1939 Golden Gate International Exposition, from a Pan American Airways flying boat.

Musical portion was produced by John Ribbe, the plane broadcast by Don Thompson.

International Series from Europe Will Bally N. Y. Expo During 1939

Networks have agreed to start plugging the New York World's Fair around the first of 1939 with a series of rebroadcasts from Europe. Program will be carried at the same time on NBC, Columbia and Mutual. Period selected is 1:30 to 2 p. m. Sundays. NBC will carry it on the red (WEAF). In the meantime it will have to find another spot for the Bob Becker dog stories (Morrell) which now holds the 1:45 to 2 o'clock slot.

Schedule calls for 23 such European pickups. First one will have the British commissioner to the Fair retell his plans for the exposition, while the British Broadcasting Co. will supply the music.

Federal Project Plus Cuffo Name Stars to Canada Via Mutual

KYA's New Music Set-Up

San Francisco, Nov. 1.

New orchestra, with strings predominating, debuts on KYA here this week under the baton of Walter Rudolph and replaces swing and cowboy bands previously on the Hearst outlet's staff. The change in musicians was ordered by Reiland Quinn, new program manager, who is spotting the concert orchestra three mornings a week from 10 to 10:30 a.m. PST. Quinn believes there is need for more classical music during daytime hours, and also wants to avoid network competition at night.

He is also adding to the KYA staff a vibraphone, guitar, piano and accordion combo to play a lighter type of music during the noon period daily.

Congressman-Reporter In Hot Verbal Volley Over Mutual Network

Washington, Nov. 1.

Political feud over Congressional inquiry into activities of un-American groups put Mutual Broadcasting System and its local outlet, WOL, between counter barrages this week and brought general accusation against radio as an institution. Headlined a chance to respond to the MBS made facilities available to Rep. Martin Dies of Texas to defend his House Committee against charges of unfairness and bias fired by President Roosevelt, Administration echoes, and individuals attacked at recent hearings during the inquiry. Immediately, Democrats remanded a chance to respond to the Texan, who retorted that White House pressure was being exerted to gag him.

Dies' speech went on as scheduled Monday night (31) and was followed immediately by caustic comments of Paul Y. Anderson, reporter for the St. Louis Star-Times and stern critic of the Dies committee.

Charles Michelson, propagandist for the Democratic National Committee, admitted he had been responsible for having Anderson booked to give an 'eye-witness account' of the way the Congressional sleuths operate. The politico-publicist explained 'whenever a Democratic candidate is attacked, it is part of my job to defend him,' justifying his part by the fact that Dies had dragged out evidence humiliating Governor Frank Murphy of Michigan.

Hullabaloo was a sequel to an unprecedented step by President Roosevelt, who late Tuesday (25) rebuked the Dies group in sizzling press statements. Dies immediately prepared a speech answering critics of his inquiry.

Bowling Scores at 11:15 P.M.

Indianapolis.

Len Riley, WFBB sports announcer broadcasting daily bowling scores from all alleys in Indianapolis at 11:15 o'clock every night. Proprietors of the alleys cooperate in phoning in scores.

Colvin Cut Off Air

Spokane, Nov. 1.

A few seconds after Ewing D. Colvin, republican nominee for U. S. senator against incumbent Homer T. Bone, began an address at a mass meeting here he was cut off the air by KGA. Republicans bombarded the station with protests. KGA contended that Colvin strayed from the copy of his speech sent in advance to the radio station in accordance with FCC regulations.

Colvin was just launching into an account of his World War experiences when KGA cut him off with a recording of the Marsellaise.

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Some of the plays selected have been done on the air by FTRD players before. The 13 named are: 'Henry 2d', 'Ghosts', 'Lilium', 'The Weavers', 'Ah Wilderness', 'Adding Machine' by Elmer Rice, 'Cyrano de Bergerac', 'Winterer', 'Elizabeth the Queen', 'Berkeley Square', 'Barrett of Wimpole St.', and 'Juno and the Paycock'.

LAWYERS HOPE CBS APPEALS KSFO

Washington, Nov. 1.

Challenge of the Federal Communications Commission's stand on station leases containing recapture clauses is anxiously desired by legal fraternity which is urging CBS to seek court review of the recent decision disapproving agreement under which the web would take over KSFO, San Francisco, for not more than 15 years. Importance of the FCC interpretation of the law lies in the fact that approximately a score of transmitters have been rented by networks and host of deals may have to be renegotiated to conform with the FCC's slant.

In the opinion of many attorneys, the Commission went far afield in construing the law so stringently. Curbsome opinions preponderantly emphasize the Commission has control over the operation of the station, and its powers are not restricted by any understanding to which it is not a party. Few take the same view as the FCC, however, and feel the Commission should bind itself by approving pacts with guarantees that the original owner shall get back his property at some distant date.

DON LEE ASKS FOR VISIO LICENSE IN S. F.

Los Angeles, Nov. 1.

Don Lee chain, televising daily here for the past seven years, has applied to Federal Communications Commission for permission to set up similar facilities in San Francisco pending issuance of a license. New plant will be for experimental programs to be signalled across Pacific. Harry Lubcke, visio-head of the network is undecided on the equipment to be used if the new venture is okayed by the comish.

Farnsworth On View

San Francisco, Nov. 1.

First public demonstration here of Farnsworth television was viewed by 100 newspaper and radio men and members of the Merchants' Exchange last Thursday (27), with several acts supplied by Farnsworth and Marco providing the subjects.

Irene Beasley will originate her R.F.D. No. 1 program (CBS) out of KMOX, St. Louis, for a week change last Thursday (27), at that point will deal with the curricular doings at Stevens College, Columbia, Mo., which mention recently drew lots of fan mail.

Washington Lowdown Columns Give Increasing Notice to FCC Feuds

Washington, Nov. 1.

Newspaper gossip columns have become wind tunnels for testing out trial balloons and artillery in the warfare raging within FCC. Several instances in the past two weeks of inspired yarns about the inner circle reaction to the fuss over ousting of Hampson Gary from post of general counsel and the breach between Chairman Frank R. McNinch and other members.

Symptom of the concern within the New Deal high command was a long piece by Joseph Alsop and Robert Kintner, scribblers for North American Newspaper Alliance, picturing President Roosevelt as thoroughly upset by the bad public reaction and unsatisfactory conditions inside the Commish. Predictions about future developments—ranging from firing of all seven regulators to creation of a new agency—were considered to reflect the ideas of such White House advisors as Thomas Corcoran.

The chief use of 'inside stuff' columns, however, was in spreading the story that two members of the FCC are expected to quit, either voluntarily or by White House orders. Most tipsters did not mention names, although 'Washington Merry-Go-Round' put the finger on Commander T. A. M. Craven and George Henry Payne. Similar impression given by Paul Mallon, whose stuff is syndicated in Hearst papers, and by Kintner-Alsop team, which pointed out that any move to replace the FCC with some other body would be politically risky 'as New Deal bodies are said to be buried in the FCC garden.'

Tappe Directs Waxers

Louis Tappe, continuity chief at WINS, N. Y., last week completed producing a set of transcription programs for I. J. Fox, furrier, which are set for use on WINS, WMCA, WHOM, WAAT and WHN, all New York stations, during November. Sid Walton and Betty Worth used.

Washington Lobby

Washington, Nov. 1.

Clerical error in the FCC gave lawyers for several stations an uneasy 12 hours last week—and demonstrated the need for improvement of administrative machinery—when official release announced plants from New Hampshire to Utah had been relegated to the doghouse. Frantic inquiries revealed five or six outlets listed as having been put on temporary licenses actually received the routine six-month renewals.

Another significant policy change last week caused radio observers to throw up their hands in despair and admit they cannot understand what policies the FCC is following. Confusion resulted from renewal of the WTCN, Minneapolis, application for renewal and authoritative tip that WJZ, New York, will be in hot water later because of that 'Beyond the Horizon' program. When the celebrated Mae West case was shelved last winter, McNinch ominously growled that henceforth every network affiliate would be held responsible for what went over its transmitter regardless of origination. Now only the originating station seems in danger.

Talk still follows recent FCC approval of the WNAX, Yankton, S. D., sale to the Gardner Cowles (Iowa) papers. Notably on the votes of Chairman McNinch and Commissioner Payne. Followers of Commish decision had decided McNinch is dead set against newspaper-broadcasters who have several outlets and figured Payne was death on deals where the cash consideration exceeded the physical value as demonstrated at hearings. Although McNinch balked at letting a publisher acquire another local outlet in a state where several dozen miles away—he already owned radio mouthpieces, the chairman did not object to permitting the Des Moines Register-Tribune crowd corral another regional echo.

Continuous comment about the part politics seems to be playing in Commish activities. Recalls that a

Kiernan, Ex-WLWL Petition Arranger, Leads Attacks on McNinch and FCC

Washington, Nov. 1.

Renewed battling within the FCC is being used, as had been expected, to fan sentiment for a Congressional investigation of both the regulators and the broadcasting business. Catholic groups in particular are becoming more active and pointing to the Hampson Gary firing, proposed execution of civil service workers, wire-pulling over WLW's superpower franchise, and lesser controversies, as evidence that conditions are worse than ever before.

Charge that Chairman Frank R. McNinch is trying to become a 'Stalin' has been sent all candidates for Congress, with a request they state their position on 'whether or not you believe the conditions herein described should be allowed to continue.' Poll is being made by American Radio Audience, lobby group formed last year to help get an investigation and headed by James Kiernan, former manager of the Paulist Fathers' station, WLWL.

'Stalinism' Under the caption 'Stalinism in America,' the American Radio Audience review some of the more recent happenings at the FCC, suggested political favoritism may influence the decision in the WLW case, asked if the FCC is threatening transmitters which carry speeches 'inimical to Rooseveltian policies,' and declared members of Congress must take a hand.

Another blast at the Commish by the Boston Review, Catholic publication, before the recent unpleasantness also is being circulated, particularly among legislators. Clerical paper denounced the forthcoming FCC monopoly-network inquiry as 'merely false pretence' and supplemented a page-one editorial with a special article predicting the result of the hearings will be a whitewash. Story reviewed the background of the members comprising the committee, saying the National Capital treats the investigation as a joke.

Moves to WVIC, Hartford

'Let's Go to Work,' Dr. Herbert Hadel's re-employment and steerer of jobless sustainer, moves Nov. 12 to WVIC, Hartford.

Station feeding half-hour to WICC, Bridgeport-New Haven, where program has been originating since June.

Radio's Proudest Relic

Washington, Nov. 1.

One of broadcasting's proudest relics—the tomato-can mike through which first election returns were aired—features collection of historic gadgets portraying radio's childhood just put on display at the Smithsonian Institute.

Exhibit reflects the technical progress of the art and effort of engineers to perfect ideal pick-up apparatus.

WFBR Sprucing Up

Baltimore, Nov. 1.

Recent grant of increased power to WFBR will be put into effect with the completion of newly located towers and transmitter house, construction of which was started this week. Towers which will be erected on jilings in the water of Baltimore's harbor, will be part of the town's skyline and will be visible from all sections of the city.

Studio and offices will also be moved to new 'Radio Center,' now being erected. Planning and erection of set-up under supervision of NBC engineering department.

Glib Staff

Lincoln, Nov. 1.

KFAB-KFOR is up to its eyes in newspapermen. One time having a ban on newshawks for ether use, the Journal now has three on established programs, and one to go. John Bentley, Journal sports editor, is on with six 10-minute programs weekly on sports; Barney Oldfield, film ed, with six five-minute show biz gab fests; Leo Sonderegger, church ed, calls all the faithful Sunday mornings.

Mary Gordon (Marie Dugan), Journal love-lorn, is being considered.

I wish to thank Variety's Stage Review Department, as it was through this department I first became acquainted with the performances of

AMES and ARNO
BOB NELLER and (DIZZY DUGAN)

who have more than justified the reviewers' comment here at Loew's State Theatre this week.

To those of us who find it impossible to be in 100 places at the same time this department performs an inestimable service by bringing all the stages of the world under our ken.

New York, November 1, 1938

Andy Waller

SHEPARD'S PREDICAMENT

'EDITORIALIZING' ISSUE SIMMERS

FCC's New Attorney, William J. Dempsey, Faces Delicate Situation

STALLING

Washington, Nov. 1.

Strenuous efforts being made to avoid a ruling on the delicate question of whether a station can be used to promote the social and political views of its owner and to win renewal licenses for WNAC and WAAB, Boston, without a hearing, threatening to plunge the FCC into

tremely warm spot at the outset of his career.

Political ramifications are bewildering, but insiders say there has been an unprecedented amount of tugging, pleading, needing, and veiled intimidating and that both sides have been tightening the screws.

Shepard case is of great significance because of the central question involved. Minor propositions—whether the Kay jewelry advertisements were lotteries, and whether time was donated or payments rebated—are of considerable importance but do not come even close to the issue of editorialization by a broadcaster. Freedom of speech is naturally embodied in the dispute, with no agreement whether a Constitutional right is restricted by the

provisions of the Communications act. From the WAAB-WNAC point of view, the chief question to be answered is whether the Commish, because it hands a station operator a piece of paper, can prevent the proprietor from expressing opinions. On the other side, it is whether a person licensed to use a natural resource in the public interest and enjoined to be neutral politically can take sides in vital public controversies.

Commission has stalled so long that there is talk. Petitions for reconsideration of the hearing orders were filed in August and September. Requests for bills of particulars then followed in normal course. But within a few days of the scheduled hearing, no action has been taken on any of these routine pleas.

Sponsors Every Sustainer on KTSA

Sears Roebuck Opening Gets Double-Barrelled Ballyhoo in San Antonio

SCHUDT FIGHTING FLU

Cincinnati, Nov. 1. Recovered from his second flu attack within the past fortnight, William A. Schudt, Jr., general manager of WKRC, returned to his desk Friday (28).

Each one had him between the sheets for several days.

Arthur Q. Bryan, multiple comic in KFW Grouch Club, to New York for a Warners film short.

San Antonio, Nov. 1.

Sears Roebuck for its new store here bought every available spot on KTSA during the entire day Wednesday (26). Sponsored every sustaining program on the station throughout the whole day.

Talent was also presented direct from the different floors and departments of the store. One of the most unique radio advertising campaigns ever attempted in this part of the United States.

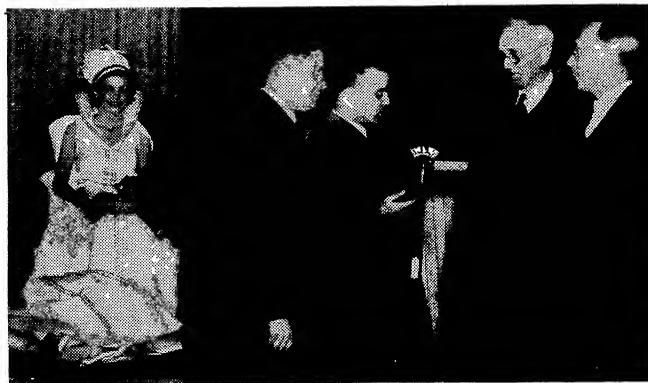
A secret of WLW's popularity is the "human" stories its listeners constantly hear

Forum Idea

A public fund-sponsored radio program is set to start on the Yankee Network about Nov. 13. It will be a radio forum discussing controversial topics of national interest selected by a committee set up for the purpose. Formation of a Dime-a-Month club is expected to pay for all or part of the air time depending on the response. Until the club gets rolling stations carrying it will ride them as sustainers.

Idea is to circulate questionnaires among club members with the subject of the week printed thereon. Will call for definite yes or no answers and reasons for the decision. Best pro and con returns will be scripted and debated on the air. A consulting board of experts on each topic will be in attendance, but in view of the poor speaking ability of most of the latter, professional actors will be used to present each side. Various prizes will be awarded for best discussions turned in as well for outlines of new ones.

Programs will be of half hour duration and be in transcript form. Associated Recorded Program Service which is behind the idea cuts the platters.



...and there behind them sat Miss America as Chas. L. Hill of Rosendale, Wisconsin, who, as president of the National Dairy Show, held in Columbus, Ohio, early in October, tells listening dairymen throughout the middle west about the crowds that have come to admire the exhibitors' herds and the show's queen, too!

...She waited 80 years to be Queen of this flight. Mrs. C. W. Nash flies for the first time in her life as she graces the inauguration of new American Airway's Lines on their Cincinnati flight. Her impressions find emotional response in thousands of listeners. Such events (many each month) hold WLW audiences constantly.



Because people are so interesting, WLW features people who do interesting things

another face-reddening scandal and intensify clamor for a Congressional investigation.

Another rift within the Commission is developing as a result of the wire-pulling on behalf of John Shepard, III, and the deep dispute about justification for the original order putting both of the plants on temporary basis. Hearings on the renewal pleas docketed for Friday (4) with postponement being sought on account of Commish stalling on legal maneuvers by Paul D. P. Spearman, counsel for the Bay State operator.

Dempsey on Spot

Despite the glass-house idealism of Chairman Frank R. McNinch, political influence has been employed to extricate Shepard from his predicament. Several members of Congress reported to have interceded with Commish members and with law department, while other regulators and law-makers are threatening to explode if the hearing order is rescinded. Buck-passing has characterized the inside gymnastics, with William J. Dempsey, newly-named acting general counsel, put on an ex-



... Meet a Cincinnati "first family". Interest in Laurel Homes, Cincinnati's seven million dollar slum clearance project, intensified by many controversies, reaches completion and this happy family were first to move in. Their joy registered as well to the ears as it does to the eyes. Human, simple, wholesome, such broadcasts hold a vast midwest audience.

—thousands of needle minded women listened to an expert as Mrs. E. F. Challen of Wood County, Ohio, surrounded by officials of the distaff side of the Ohio State Fair, tells how anyone can match her fine needlework if they'll put their minds to it and their hearts in it. People who do things well are always interesting to radio audiences.



In Baltimore, it's
WFBR
ON THE NBC RED NETWORK
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.



NATION'S STATION

... with a finely balanced program for ALL PEOPLE, from the annihilation of potato bugs to the exhilaration of jitterbugs.

Washington Whimsy

Washington, Oct. 29.

Editor, VARIETY:

In this town they (a few of them!) are saying that Rudyard Kipling's "Road Song of the Bandar-Log" is a pretty apt description of what Chairman McNinch's Goldfish Bowl (remember!) has turned into. Second and third verses, and the last two lines of the last verse are the best. Rest is pretty high-brow. I'll leave it up to you—whether you want to go printing poetry in VARIETY. I'm not quite sure what the Bandar-Log was, but I think it was large groups of monkeys in India, whose tails curled differently from other monkeys. Except from "Road Song of the Bandar-Log" by Rudyard Kipling:

Here we sit in a branchy row,
Thinking of beautiful things we know;
Dreaming of deeds that we mean to do,
All complete, in a minute or two—
Something noble and grand and good,
Won by merely wishing we could.

Then join our leaping lines that scumfish through the pines,
That rocket by where, light and high, the wild-grape swings.
By the rubbish in our wake, and the noble noise we make,
Be sure, be sure, we're going to do some splendid things!

Whether you print this or not I shall remain—

A Washington Subscriber.

Anti-Picket Campaign Over Radio Draws Attention of Labor, Politicians

Portland, Ore., Nov. 1.

Use of radio to help solve (i. e. end) the problems of labor picketing is being tested by Mac Wilkins & Cole agency. Many speakers and several minor musical programs are being employed to sell November voters on a state bill to regulate union picketing and boycotting.

Due to the anti and pro-labor controversial nature of issue, the agency tried to sidestep account. Program is backed by influential citizens, strongly aroused over picket privileges.

Social labor and political observers in the northwest and outside will analyze the campaign (in the light of the final results) with great attention, it is indicated.

Les Gettleb, Mutual's publicity chief, made his annual Cincy visit Wednesday (26).

RUTHERFORD AFTERMATH

Girls Passing Petitions on Street Have Two Men Arrested

Akron, Nov. 1.

Recent suspension of Judge J. F. Rutherford's program on WADC had repercussions in court here when Charles Nigh, 24, and Thomas Lees, 23, were arrested on disorderly conduct charges by four girls. Girls were circulating petitions addressed to the Federal Communications Commission protesting WADC's action in cutting the Rutherford program off the air.

They charge the two men with assault and suspicion, claiming one of them struck the girls and the other used abusive language. Men asked for a jury trial. No date has been set for the hearing.

FCC'S DECISIONS SOMETIMES BASED ON SECRET MEMO NOT PART OF RECORD

So Declares Bar Ass'n, Which Recommends That Practice Be Stopped—Also Would Curb Authority of Examiners

Washington, Nov. 1.

Abolition of sub rosa reports on applications and unveiling of confidential advisory opinions or comments on evidence have been demanded by radio lawyers who have been growing increasingly fearful about the trend of the Federal Communications Commission in considering matter not part of the formal record.

Backing most of the proposed changes, the Federal Communications Bar Association last week urged the Commish in new rules of procedure to require all documents pertaining to an application to be included in the official transcription and history, except matters likely to involve national security or for which there is some other legitimate reason for secrecy. Also suggested that henceforth, examiners and committees be precluded from recommending final disposition of cases unless specifically directed to advance opinions.

For the most part, the Executive Committee backed up its committee on practice and procedure, which had urged numerous clarifying revisions in the proposals of the Commission's own rules committee. Few new ideas were suggested by the governors of the F.C.B.A. aside from a completely different provision regarding hearings and building of the record upon which final decisions are based.

Lawyers' Self-Reg

The barristers renewed prior recommendations that the two-year rule be scrapped and enforcement of ethical standards be turned over to their own professional group. Little chance the latter request will be granted, but modification of the regulation which "discourages govern-

ment attorneys from going into private practice looks certain.

In the first outspoken complaint about the FCC hearing procedure, the Bar Association urged a rule stipulating that when testimony is taken before an individual or less than a quorum of the Commission a detailed transcript must be taken, supplemented by a report summarizing the evidence, statement of rulings and action on motions, and conclusions of fact and law without recommendation as to the ultimate disposition of the case unless otherwise directed by the Commission in its order of reference.

A lengthy explanation of reasons for this recommendation was a bitter comment on the present routine. Reflected controversy within the profession, although majority agreed to recommend the Commish cease having examiners recommend final action and felt the secret papers should be made public. After reviewing the practice of receiving confidential reports, opinions and memoranda from engineers, lawyers and accountants, the lawyers said:

"That any such procedure is patently improper is demonstrated by the case of Morgan vs. Wallace (decided last year by the U. S. Supreme Court). It is essential to the orderly conduct of the Commission's business that each examiner's report should reflect the views and opinions of the various departments within the Commission when such report is released to the public and to the parties. Otherwise there can be neither fair treatment of the parties, satisfactory exceptions to the examiner's report, or satisfactory oral arguments before the Commission."

Another innovation along the same line, suggested by the lawyers, would

require Commish attorneys to take part in oral arguments whenever their views conflict with the findings of the examiners. Without making any definite recommendation, the Bar Association said it would be helpful in certain situations, such as in transfer cases where there is no conflict between parties, to follow this course.

Re-Hearings

Clarification of the rules dealing with petitions for rehearing was one of the points stressed in the Association's report. Because of uncertainty about what relief may be requested and lack of precision in defining petitions, the practitioners proposed an entirely new rule which would allow any injured party to ask (1) reopening of proceedings to present more evidence, (2) reargument, or (3) reconsideration of the decision. Attorneys would have to state definitely the nature of relief desired and give detailed reasons.

The other changes desired by the lawyers chiefly relate to standardization of Commish procedure, primarily with a view to conforming to custom in Federal courts. Some alterations are advocated in the rules describing documents—such as that outlining form of financial reports—and in those fixing time limits. Objection made to the idea of allowing an examiner to hold the record open and require presentation of additional evidence without the approval of the full Commish.

WHOM, N. Y., Builds Tower

WHOM, N. Y., started construction on a new directional radiator last week. New tower is to be 387 feet high and is expected to be completed by the middle of this month.

It's located at the foot of Washington, St., Jersey City, N. J.

Joe Pierson, former WHAS announcer, joined staff of WFBM, Indianapolis, replacing Douglas Way, now in Chicago.

Cincinnati's most popular daytime hour show is, of course,

WKRC ORIGINATED!



WKRC's Dawn Patrol is now sponsored by two "blue chip" local advertisers: the Cincinnati Chrysler and Plymouth dealers, and The Rubel Baking Company. Each has it for six half-hours a week (Monday through Saturday).

In its second year, the Dawn Patrol continues to make radio history in Cincinnati. It has pulled response from over 125,000 morning listeners in the past eighteen months. When pilot Al Bland threatened to smash a worn recording of "Sugar Blues", 15,000 excited listeners protested. That's how important the daily 7:30 to 8:30 A.M. Dawn Patrol is to the Cincinnati audience.

Dawn Patrol is another of the many WKRC originations that are doing such an outstanding job in Cincinnati.

WKRC ★ COLUMBIA'S STATION FOR CINCINNATI

550 Kilocycles. Owned and operated by COLUMBIA BROADCASTING SYSTEM. Represented by RADIO SALES: New York, Chicago, Detroit, Milwaukee, Charlotte, N. C., San Francisco, Los Angeles

'Command Performance' Denied BBC; Watt Books Most of Acts Anyhow

London, Oct. 21. Last laugh is with John Watt over the Command Variety Show broadcast ban after all. Watt waited till the full list of artists and turns selected for the program was known, then pronto booked as many as he could get for a star vaude bill to go over the BBC's air the Saturday night ahead of the show.

Radio bill that night (Nov. 5) will therefore include Evelyn Laye, Leslie Holmes and Leslie Sarony, Murray and Moony, Renee Houston and Donald Stewart, and Elsie and Doris Waters, probably others.

Watt's comment was that, as BBC could not broadcast the performance, they thought they might give listeners a chance of hearing artists who would be in it.

Dominican Republic Ratifies Radio Pact

Havana, Oct. 28. Dominican Republic ratified the North American Regional Agreement approved by the Radio Conference of December, 1937, Cuban Government notified by the Dominican Ambassador this week. Four nations have already ratified the agreement—Cuba, Haiti, United States and Dominican Republic. Other two, Canada and Mexico, are expected to take action before the end of the year.

CBC'S AD REP IN LONDON

Toronto, Nov. 1. Canadian Broadcasting Corp. has designated International Broadcasting, Ltd., of London as its European sales agent. It marks the recognition by the semi-commercial government-controlled Canadian network of an advertising organization operating in London, chief exponent of the anti-advertising type of broadcasting. Head of Canadian web is Gladstone Murray, former official of BEC.

IBC which is the English language program agency for Radio Normandy in France will probably open an office in Canada. Either Toronto or Montreal.

See Transcription Tariff Hurting Small, Not Large, Advertisers

Montreal, Nov. 1. Considerable uncertainty and confusion prevails in Canadian broadcasting and agency circles regarding application of recently increased customs duties on American transcriptions. Recent appeal to stations by the Canadian Association of Broadcasters to give the new tariff a trial has failed to allay fears, stations facing loss of revenue through withdrawal of transcription sponsors. New high duty imposed by Canadian customs on American transcriptions will not help Canadian recording work while decreasing use of small advertising campaigns with result that Canadian radio sta-

Foot on Normandy

London, Oct. 24. Reginald Foot leaves BBC where he has topped fan mail figures for last two years, to tour British halls with a portable \$50,000 American-built pipe organ. An International Broadcasting Co. recording unit will travel with Foot and half hour transcriptions taken in each theatre he plays will be exclusively aired from Radio Normandy at peak listening time, 3:30 p.m. Sunday.

Programs are sponsored by Macleans, Ltd., makers of Macleans Peroxide Toothpaste and Maclean Brand Stomach Powder, and contracts are placed with IBC by the Radio Department of S. H. Benson & Co., Ltd.

London Caring

Ross and Bennett in first broadcast for BBC on Empire program.

Billy Bissett, with augmented band of former members of Roy Fox, Ray Noble, doing new series of commercials for Nestles Milk Chocolates.

'Whistling in the Dark,' Edward Charles Carpenter's play, to be televised by BBC Oct. 31.

Walter 'Dare' Wahl getting four televisions in a row.

Ray Ventura to do series of broadcasts for BBC fed in from Post Parisien. Starting third week in December.

Leslie Banks' first appearance in television in the name part of 'Cyrano de Bergerac,' from Alexandra Palace studios Oct. 30. Constance Cummings will play Roxane.

Claude Hulbert, Bobby Comber and Paul England reviving their radio act, 'The Three Chaps,' which they dropped in 1933.

Ogilvie's Say-Nothing Masterpiece

Slightly Relaxed Sunday Rule on Dance Music— Churchmen See Moral Decay

London, Oct. 24. Americans would probably have gaped at restraint used by BBC's new director-general, F. W. Ogilvie, when he did an introductory talk at the mike last week. He began by disclaiming any right to use the air in a personal way any time he had a yen that way, and went on for five minutes talking platitudes without giving a least hint of what policy he might follow as successor to Sir John Reith.

Dished out all-round praise to Corp. personnel and including such set pieces as: 'Would you not agree the BBC would fail in its purpose if it did not continue to aim at doing all it properly could to meet the varied needs of people at home, and to contribute internationally to mutual understanding, and so to the peace of the world?' Freedom of the air, he also suggested, was something infinitely precious—and that'll be something for him to ponder himself when the Government tries to lay down the law. Also emphasized that British radio was not a machine, but 'people working for people.'

To Ogilvie's advantage it must

be said he was not talking from choice but because he had been pressed to, possibly out of curiosity to hear what sort of man this was.

Only one hint given of policy. Bonds off Sunday programs sufficiently to permit short sessions to straighten dance melody. For ultra-conservative Britons that's something of a departure, and already has provoked violent protest from religious bodies, Lord's Day Observance Society alleging BBC has started down the slippery slope.

"Stars
Over Broadway"

COUNT BERNIVICI

UNIT with
California Ingenues
"Shipperman"
Company of 38
Lyric, Indianapolis
Week Nov. 4

Management
JOE GLASER, Inc.
RKO Bldg., Radio City, New York



Mgt.: LOU CLAYTON

LISTEN TO
DORIS RHODES

WABC
5:30 P.M. MON.—5 P.M. TUES.
5:30 P.M. THURS.—5:45 P.M. FRI.
Mgt. Columbia Artists Bureau

NBC-WLW Victor Blue Bird Records WOR-Mutual

DEAN HUDSON

AND THE
Florida Clubmen

CURRENTLY
LOWRY HOTEL
ST. PAUL, MINN.

Broadcasting Via WCCO

Just Completed 4 Successful Weeks
Beverly Hills Country Club
Per. Mgt. GUS C. EDWARDS
First Nat'l Bank Bldg., Chicago, Ill.

HANK LINDER, Tour Mgr.

CHICK WEBB

PERSONAL MANAGEMENT
GALE, INC.
48 WEST 48TH STREET, NEW YORK

YANK WAXERS CLICK FOR IMPERIAL

Montreal, Nov. 1. Imperial Tobacco Co. is renewing 'Light Up and Listen Club' U. S. transcription series with list of stations across Canada upon expiration of current contracts. Produced by Vic George (All-Canada) series was recorded in New York at the NBC studios with selected radio entertainers.

Originally 50 shows were produced. In September the tobacco sponsor made another 50 platters, with reports currently that the series will go on indefinitely.

Strength of this American transcription series may result in complete abandonment of pretentious live shows such as 'Canada 1938' which Imperial Tobacco sponsored last year, with Ken Sisson batoning. Locally 'Light Up and Listen' series has been booked over CFCF.

Howard Marshall, BBC commentator, giving a six talk visio plug from Nov. 9.

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap—99% Pure

LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P.M. EST
CBS - WABC - 2:15 to 2:30 P.M. EST

IN... COAST TO COAST

DR. COMPTON ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

HARRY SOSNIK...

MUSICAL DIRECTOR...

CHARLES BOYER—WOODBURY PLAYHOUSE
(ORIGINAL SCORE)
Sundays—9 P.M. EST—NBC

JOE E. BROWN—POST TOASTIES
Saturdays—7:30 P.M. EST—CBS
MANAGEMENT MCA

5000 Day-1000 Night

WBNS

Columbus

ALL YOU
NEED IN
CENTRAL OHIO

John Balair, rep.

THE
Smoothies

BABS CHARLIE LITTLE

TUMS VOCAL VARIETIES

WLW and NBC Red
Tues.-Thurs., 7:15 P.M. EST

AVALON CIGARETTES

WLW and NBC Red
Saturday, 7 to 7:30 P.M. EST
EVERY OTHER WEEK

WBAL

means business
in Baltimore

FRENCH CLOSEUP ON U. S. A.

BBC Slammed—on BBC

London, Oct. 24.
How BBC is a mix up of contrasts was indicated in program titled 'Men Talking' recently. Item was outside normal scope of series, set talkers being replaced by three unknowns, brought to the mike as cross section of public opinion to express views on the recent international crisis, and notable point was freedom with which each criticized certain sides of the Government's policy.

One said he would not have fought unless he was conscripted, because he had no illusions about what a grateful democracy would do for its over-40s if and when they came home from war. Another, a doctor's wife, said her husband was resolved in the event of a dishonorable peace, to take up an offer he had received from U. S.—which he had done. Third spoke glibly of present regime developing along totalitarian lines.

Criticisms were pretty broad at that for an institution which is now under close Government domination, and indicate some section of corp's program department got irksome at rigid pro-Government lines BBC is obliged to follow.

SPECIALLY MADE RADIO PROGRAMS

French Government Gave
Small Subsidy and Colum-
bia Broadcasting System
Tossed in Production
Facilities on the Cuff

OTHER IDEAS

Starting sometime during the first week of November the French government stations will broadcast, once a week for 30 weeks, a series of 'visits to America' transcriptions made in the United States by Jacques Friedland of Radiophonétique Universelle and Didier Van Achere. Latter is Paris representative of the Columbia Broadcasting System but has been on leave in America since July making the series.

Cooperation of the production department of CBS made possible the series which had an otherwise inadequate budget from the French government for this initial venture in overseas programming from America into France (reverse direction broadcasts are not uncommon).

French Viewpoint

Programs in the following order of release cover American life from all sorts of angles but primarily from the visiting Frenchmen's point of interest. Many of them have been produced with professional actors and all of them have authentic sound (Continued on page 44)

REFINANCE CMCF-COCH

New Corporation in Havana Has
Several Tie-Ins

Havana, Oct. 28.

A new corporation, with a reported capital of \$100,000 has been organized here to take over the management of stations CMCF-COCH, beginning Nov. 1. Main stockholder is Francisco Fernandez, v.p. of General Electric of Cuba and main stockholder in the former organization of stations CMCF-COCH.

Other two capitalists are Jose I. Rivero, editor of Diario de la Marina, and Oscar Zayas, editor of Avance and money man behind the local film producing company, Cia. Cubana de Peliculas S. A.

According to tentative plans, four dailies, belonging to the syndicate, Diario de la Marina, Avance, Alerta and Informacion, will plug the station that will start working immediately on a new transmitter and new studios. Francisco Rubio, formerly of Vals Advertising Studios, has been appointed general manager.

In Canada

Ray Hunter, Vancouver, placing radio team on western Canada stations for spot broadcasts of Genetic Bread being pushed by Wheat Promotion Bureau, Inc.

M. V. Chesnut, manager, and Bill Speers, production manager, back to CKCK, Regina, after meeting of Taylor, Pearson, Carson execs. at Lethbridge, Alta., last week. At meet were Gerry Gatz and Bob Busse, CIOC, Lethbridge; F. H. Elphicke, Norm Botterill, CICA, Edmonton; Gordon Henry, Pat Freeman, CFAC, Calgary. Routine biz.

ENGLISH TO SAMPLE YANK JAM SESH

London, Oct. 24.

Nov. 5 will be a whoopee night for England jitterbugs when BBC goes into a hookup with CBS on a jam session being organized in New York for the benefit of listeners this side. Felix Greene, BBC representative in New York, called in Joe Marsala of Hickory House and Columbia to help him date up a list for swing kings. All for cash.

Line up includes Fats Waller, Mezz Mezzrow, 'Hot Lips' Page, Bob Hackett bringing Eddie Condon, Pee Wee Russell and Dave Condon; Bud Freeman, Dave Tough and Teddy Wilson, from Benny Goodman's outfit; Art Shapiro, Joe Bushkin from Bunny Berigan's band; Carmen McRae, courtesy of Tommy Dorsey; George Wettling from Red Norvo's combination, and Sidney Bechet from Noble Sissle's. Benny Goodman and Tommy Dorsey are likewise expected to make the grade and it is hoped they will join the fun.

Allistair Cooke will emcee the session.

Imperial Oil's Hockey

Montreal, Nov. 1.

Hockey broadcast by Imperial Oil has been signed for station CFCE starting this month, once weekly. New Canada Dry program, 'Information Please,' also booked over CFCE starting Nov. 15.

CENSORSHIP PERMANENT IN FRANCE?

Paris, Oct. 24.

Strict censorship on all news broadcasts has been imposed on all French stations. By official decree both privately owned and government outlets must submit their news material whenever required to a cabinet officer for blue penciling. Before this move France rated as the only Continental power where the administration exercised no authority over the political and economic news aired by its stations.

Under the new law the five out-

lets in the Paris area will do their reporting to the Minister of Posts, Telegraph and Telephone, while the prefects in provinces aside of Paris are authorized and empowered with authority to check the news broadcasts of local stations.

Government originally started its tampering with news broadcasts six months ago when it limited (for newspaper amity) such programs to three seven-minute airings a day. But the censorship angle wasn't evident until the recent European crisis. When the tension came to a climax the French government appointed a 'controller' for all private stations with authority to check, verify and blue pencil all news broadcasts. Reaction advanced at the time that something drastic had to be done to prevent alarmist news from being circulated.

Program checking bureau has been established in Chicago by Herbert Zagor under the name of the Universal Listening Service.

"London Sunday Dispatch"

By The
Marquess
of
Donegall

THEY EVEN LAUGH

Once in a while the venerable Embassy Club, which has seen its rivals come and go since Albert De Courville had it as the 400 Club 'way back in the teens, has done one of its periodic breaks with tradition. The tradition is never to have a cabaret, and I do not think there have been more than four exceptions in its 20 years of existence...

This time it is Benny Ross and Maxine Stone. Personally, I should hate to do an act at the Embassy. It is probably the most sophisticated, blase, and critical audience in the world. However, Maxine as the bored blonde who eventually gets so bored that she goes to sleep on the dance floor makes the members rock till you can nearly hear diamonds and emeralds rattling all over the room.

"THE DUKE AND DUCHESS OF KENT PAID A SPECIAL VISIT TO SEE THEM."

—LONDON DAILY SKETCH

"IN MUSICAL ENTERTAINMENT, THE BIGGEST PERSONAL SUCCESS OF THE PAST WEEK HAS BEEN THAT OF BENNY ROSS AND MAXINE STONE IN THE EXCELLENT NEW REVUE, 'IT'S IN THE BAG,' AT THE SAVILLE."

—ARCHIE DE BEAR

ENGLAND
GEORGE and
HARRY FOSTER

AMERICA
NICHOLAS AGNETA
CHARLES ALLEN

Alix Combelle doing a jam session
from Paris for BBC Nov. 4.

15 Best Sheet Music Sellers

(Week ending Oct. 29, 1938)

*I've Got a Pocketful of Dreams.....	Santly
*Change Partners.....	Berlin
*Alexander's Ragtime Band.....	ABC
Lambeth Walk.....	Mills
*Heart and Soul.....	Famous
*All Ashore.....	Shapiro
So Help Me.....	Remick
My Reverie.....	Robbins
*Small Fry.....	Famous
When Mother Nature Sings Her Lullaby.....	Santly
A-Ticket, A-Tasket.....	Robbins
*My Own.....	Robbins
*What Goes on Here in My Heart.....	Paramount
*Garden of the Moon.....	Harms
While a Cigaret Was Burning.....	ABC

* Indicates film musical song. † Indicates stage production song.
The others are pops.

Inside Stuff—Music

Privy Council, the British Empire's highest court, has granted permission for the appeal of Shapiro, Bernstein & Co.'s suit on 'The Man That Broke the Bank at Monte Carlo.' Acting for Shapiro-Bernstein is its London publishing agent, Francis, Day & Hunter. Question involved is whether 20th Century-Fox violated S-B's rights as the copyright owner of the tune in Canada when the producer used the title without permission for a production that it exhibited in the Dominion. 'Monte Carlo' has no copyright protection in the United States.

In the original trial of the case Shapiro-Bernstein was awarded a verdict and damages. When 20th Century took the action to the Dominion's Court of Appeals the lower court's finding was reversed on the ground that 'Monte Carlo' did not come within the protection of Canada's revised copyright statute.

H. J. Kronk, fretted instrument manufacturer, last week picked his first tune under the agreement which gives him the exclusive right to publish and sell special arrangements for such stringed instruments. Song that Kronk closed for through Harry Fox, as agent and trustee, is 'Heart and Soul,' belonging to the Famous Music Corp.

Kronk made a down payment of \$1,000 for the number. Under his contract he will pay an added royalty of 5c a copy for all sales over 50,000 and submit duplicate copies of all printing orders for his instrumental arrangements. It makes the first time that the music industry has been able to capitalize on pop tunes specially arranged for those engaged in the teaching fretted instrument playing.

Formally announced as being 'postponed indefinitely' by the promoters, the band concert scheduled for Madison Square Garden, N. Y., Monday night (31) was really cancelled by N. Y. Local 802 of the AFM. Elaborately planned jive session was to be the final of a planned four of which two had been run at Randall's Island, N. Y., Aug. 31 and Sept. 7. Poor draw of the first two gave the promoters the idea of combining the third and fourth at M. S. G. Frank Berend and George Clark promoted them on Blind Musicians' behalf.

Cancellation grew out of non-payoff complaints of musicians who took part in the initial two shindigs.

Col. Edmund Gruber, writer of 'Galssons Go Rolling Along' (Artillery Song), last week waived his ban against the parodying of this tune in the case of the Girl Scouts. Latter organization had arranged to record its lyric version of the Gruber number, which it terms the 'Hike Song,' for a propaganda transcription and the colonel, rather than inconvenience the Scouts, agreed to make this instance the lone exception.

Gruber had issued his ban to the networks after an association of artillery officers had complained to him that the song had been parodied during a Rudy Vallee-Standard Brands broadcast (NBC).

Connolly Sails Nov. 4

Reg Connolly having renewed with Santly-Joy Music for another three years, plus other American business returns Nov. 4 to London. British music publisher has been in New York for three weeks on biz.

Mills Music is still U. S. rep for Connolly's Cinephonic Music Corp. Santly-Joy deal embraces only the Campbell-Connolly firm, a twin enterprise.

'DOLL' AND 'CAPERS' RENEWALS TO REMICK

Remick Music Corp., one of the Warner Bros. publishing group, has acquired the renewal rights to 'Oh, You Big Beautiful Doll.' Nat D. Ayer, one of the writers, is now living in London. Other half of the rights was obtained from A. Seymour Brown.

Another recent renewal assignment acquired by Remick is 'Canadian Capers,' of which the co-writers were Gus Chandler, Bert White and Henry R. Cohen. Original copyright on this one doesn't expire until 1943, while the renewal on 'Doll' becomes effective in 1939.

Indict Song Peddler

Trenton, Nov. 1. Morris Abrams, of this city, was indicted by a Federal Grand Jury here on Friday (28) charged with selling song sheets without obtaining permission of copyright owners. Abrams is alleged to have peddled the sheets in Mount Holly, on Feb. 23, 1937.

WHITEMAN LEADS PARADE

Stamford, Conn., Nov. 1. Paul Whiteman, playing Palace theatre last half of week (3-5), will parade in front of Greenwich American Legion drum corps, which uses big drum Whiteman used in 'Jumbo' in New York.

Whiteman organization will follow Stamford stand with one-ner at Ritz ballroom, Bridgeport, Nov. 6.

Kurt Weill Shut Out of ASCAP Divvy Under Performing Rights Redtape

Kurt Weill has failed in his latest effort to obtain admission to the American Society of Composers, Authors and Publishers. ASCAP's board of directors ruled last week that it could not because of contractual obligations and its by-laws accept Weill's application for membership. As a result of this action, Weill will be unable to gain practically anything from the performing rights in this country of such scores as 'Knickerbocker Holiday,' 'The Eternal Road,' 'Johnny Johnson' and Paramount's 'You and Me.'

As things now stand ASCAP's hands are tied. Even though the Italian performing rights society (SIEA) has advised Weill that it has transferred the American rights of his works to him, ASCAP is not free to admit him as long as he is bound to an affiliated society. ASCAP cannot be assigned the world rights of his compositions. SIEA has also gone so far as to assure Weill that it will grant him a complete release of his membership in October, 1939.

A Refugee

Weill fled from Germany to France in 1933. Because the books of the French performing rights society was closed to new members Weill applied to the Italian Society and he was admitted. He came to the United States in 1935, taking out his first citizenship papers the same year.

Since his residence in this country the composer has been collecting small sums from the Italian society, with the reports showing that France is about the only European country where the Weill works are being performed. While Weill does have the right to the performing rights of his own works in America, there is the question of whether he can do anything with them independently. As an affiliate of SIEA the American Society may exercise this same licensing right. If it does collect

something on the performances of his score ASCAP must under its agreement with the Italian Society credit Weill's share to the latter performing rights combine.

Former Practice

In the early years of ASCAP it was not uncommon for writer-members of ASCAP to affiliate themselves also with the French performing rights society. Couple cases in point are Gene Buck and Irving Berlin. Later it became mandatory for writers to assign not only their American and Canadian rights, but all their rights. Weill's sponsor for membership in ASCAP is Max Dreyfus, one of the owners of Chappell & Co., and the Crawford Music Co. Dreyfus has been publishing Weill's recent scores.

BORNSTEIN REPORTS; KERN AT MEETING

Board of directors of the American Society of Composers, Authors and Publishers devoted most of the time at its monthly meeting last Thursday (27) to listening to Saul A. Bornstein's report of his attendance at the Confederation of Performing Rights Societies in Stockholm. Bornstein who is v.p. of Irving Berlin, Inc., was ASCAP's representative at the international meet.

Jerome Kern was at the ASCAP directors' table for the first time in over two years. Contract obligations on the Coast had kept him away.

Joan Crawford sings three songs in 'Ice Follies' at Metro; 'Something's Gotta Happen Soon,' by Nacio Herb Brown and Arthur Freed; 'Here I am Falling in Love Again,' by Roger Edens, and 'It's All So New to Me,' by Bernice Petkere and Marty Symes.

College Rhythm

—another survey of the dansapation tastes on the nation's campuses starts next week.

—Princeton will tee off and tell if swing is still king, and who's coming along as a dance band fave.

—the kids at the colleges don't pull any punches.

THIRD
OF A
CENTURY

THE SEASON'S MOST BEAUTIFUL BALLAD!

WHO BLEW OUT THE FLAME?

Lyric by MITCHELL PARISH

Music by SAMMY FAIN

LEO FEIST, INC. • 1629 BROADWAY • NEW YORK

DECCA PICKETS DO THE SHAG

United Electrical, Radio and Machine Workers, an affiliate of the CIO, put a picket line in front of the offices and studios of the Decca Record Co. last week, after the firm refused to recognize the union as the collective bargaining agency for the Decca staff. Strike was called while the union's application for authority over the workers in the plant was still to be acted upon by the National Labor Relations Board.

Jack Kapp, Decca prez, stated yesterday (Tuesday) that less than 50% of the cutting room staff was out on strike.

Strike made the dailies when four young couples sought to call attention to the picketing line by shagging and doing the big apple on the sidewalk. A cop separated them and threatened arrests if the dancing was repeated.

William Mitchell, international rep for the CIO union, contended yesterday that operations at Decca were practically at a standstill, since the teamsters have refused to deliver or receive material. He said that Kapp precipitated the strike by firing a man in the shipping room. New York musicians union, in a statement, expressed its sympathy with the strikers but stated that it could not extend its fullest cooperation. Kapp denied the tieup claim.

Sidney Mills on Own

Sidney Mills has had a friendly parting with his father, Irving Mills (Mills Artists), and branched out as a talent manager on his own this week. Started in own shop with Tito and His Swingtette, current at the Lincoln hotel, as first property. Mills is also grooming Walter (Mouse) Powell, formerly with Milt Britton's band, for a crew of his own. Start rehearsing tomorrow (Thursday).

802 MEDICAL FUND DEEP IN CELEBS

Bill Feinberg, v.p. of Local 802, states that every named band that will be in and around New York at the time has promised to appear at the dance which is being given for the union's medical fund at the Manhattan Opera house Nov. 17.

Some of the names with time off from their one-nighter tours have also given assurance that they will either fly or bus in for the charity event.

Musikers Coast Benefit

Nearly every name band in town will participate in a benefit show at Palomar ballroom Nov. 21 for unemployed musicians. Jitterbug contest, beauty parade, fashion show and personal appearance of film and radio stars are also carded.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Oct. 24-30). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In "Source" column, * denotes film song, † legit tunes, and "pop" speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Summer Souvenirs.....	Bregman-Vocco	Pop	39
My Own.....	Robbins	*That Certain Age	39
I've Got a Pocketful of Dreams.....	Santly-Joy	*Sing You Sinners	32
My Reverie.....	Robbins	Pop	31
When I a-Dreami.....	Lincoln	†U. of Penn. Mask and Wig	31
So Help Me.....	Remick	Pop	31
While a Cigarette Was.....	ABC	Pop	31
Heart and Soul.....	Famous	*A Song Is Born	30
Change Partners.....	Berlin	*Carefree	29
At Long Last Love.....	Chappell	†You Never Know	29
Who Blew Out the Flame?.....	Feist	Pop	27
All Ashore.....	Shapiro	Pop	27
Simple and Sweet.....	Miller	Pop	27
Alexander's Ragtime Band.....	ABC	*Alexander's Ragtime Band	25
What Goes on Here?.....	Paramount	*Give Me a Sailor	25
Lambeth Walk.....	Pop	Pop	24
Stop Beating Around the Mulberry Bush.....	Bregman-Vocco	Pop	24
I Won't Tell a Soul.....	Crawford	Pop	23
Girl Friend of the Whirling Dervish.....	Harms	*Garden of the Moon	22
There's a Faraway Look in Your Eyes.....	Tenney	Pop	21
Sixty Seconds Got Together.....	Santly-Joy	Pop	21
If I Loved You More.....	Words-Music	Pop	19
Deep in a Dream.....	Harms	Pop	18
Is That the Way to Treat a Sweetheart?.....	Olman	Pop	17
Don't Cross Your Fingers.....	Ager-Yellen	Pop	17
Night Is Filled with Music.....	Berlin	*Carefree	17
I've Got a Date with a Dream.....	Feist	*My Luck Star	16
Don't Let That Moon Get Away.....	Santly-Joy	*Sing You Sinners	16
Day After Day.....	Green Bros-Kni	Pop	15
Monday Morning.....	Witmark	Pop	14
Ya Got Me.....	Lincoln	†U. of Penn. Mask and Wig	14
Have You Forgotten So Soon.....	Berlin	Pop	13
With You on My Mind.....	Robbins	*Straight, Place and Show	13
You Go to My Head.....	Remick	Pop	13
Sam! Sam!.....	Famous	*Sing You Sinners	13
You Must Have Been a Beautiful Baby.....	Remick	*Hard to Get	11
Old Folks.....	Remick	Pop	11
What Have You Got That Gets Me?.....	Famous	Pop	11
Never Never Land.....	Chappell	†You Never Know	11
A-Tisket A-Tasket.....	Robbins	Pop	11
Garden of the Moon.....	Harms	*Garden of the Moon	10
Hurry Home.....	Spier	Pop	10
Love I'd Give My Li	Slasny	*Hollywood Revels	10
The Yam.....	Berlin	*Carefree	10
I Haven't Changed a Thing.....	Mills	Pop	10

On the Upbeat

Gene Krupa orch., which opens at the Palomar, L.A., tonight (Wednesday), has been signed for a Paramount musical set to roll sometime in January. Krupa's Palomar contract calls for six weeks with option for another six. Papers were signed by Arthur Michaud, Krupa's manager, who left for the Coast last week.

Al Fremont of Pittsburgh, opened Monday (31) at Half Moon inn in Stubenville, O.

Maurice Spitalny and his KDKA Pittsburgh, staff band booked for Pittsburgh Automobile Show for 11 days beginning Nov. 11.

Aaron Gonzalez opened at Zarape Club in Los Angeles.

Les Parker's orchestra moved into the new ballroom atop the Forum theatre in Los Angeles.

Harold Feldman replaced Walter Hegner in reed section of Paul Whiteman band on Nov. 10.

Ernie Warren signed to Rockwell-O'Keefe management. Ditto Jay Coe and Trio.

Paul Whiteman plays U. S. Marine Ball at Boston Gardens, Nov. 10 and will be named to corp as extra reward.

Larry Murphy Four Into William Penn hotel's, Pittsburgh, Continental Bar for indefinite stay, succeeding Billy Catzone trio.

Irene McKennan, winner of recent auditions held in Pittsburgh by Barney Rapp and joins latter's band as vocalist.

MORE CHIZ BIZ

Booking Agents Want Publishers to Pay Line Costs

Indie band booking agents have become the latest class to attempt horning themselves in on the exploitation bankrolls of music publishers. After landing a dine-and-dance spot these agents make the round of publishers asking whether they would be interested in underwriting the weekly cost of a network wire. Previous practice had been for the band leader himself to do the propositioning.

New chiseling twist was brought sharply to the attention of the publishing trade last week when one of the indie agents openly stated that unless he could get some publishers to put up \$160 a week for a wire a niterie that he had just tied up in upper New York state would have to do without a network outlet. The place had been hooked by one of the larger band organizations but as soon as it lost the connection out came the wire, which action is contrary to the rules of the American Federation of Musicians.

Joe Morris Deal Stalled

No contract signatures had been exchanged or check passed up to press time yesterday (Tuesday) in the proposed sale of the catalog of the Joe Morris Music Publishing Co. to Famous Music Corp. Morris catalog would be merged with that of the Paramount Music Corp., a FMC subsid.

It was reported that Lou Diamond, head of Paramount's music interests, had offered to pay half in cash and the balance in Famous Music stock and that Archie Fletcher, Morris' partner, had rejected this proposition.

Bobby Hackett due for Vocalion series.

OLD SONG SUGGESTIONS
FOR YOUR PROGRAMS
JIMMY McHUGH'S
"DIGA DIGA DO"
MILLS MUSIC, INC.

We Wish to Thank All Our Friends For Their Splendid Co-operation
Enabling Us to Put Over the Score From

"The Mask and Wig Club" (University of Pennsylvania)
"All Around the Town," with the Following Hits:

"WHEN I GO A DREAMIN' "
"THERE'S NO PLACE LIKE YOUR ARMS"
"YA GOT ME"

Lyrics by Bickley Reichner—Music by Clay Boland

LINCOLN MUSIC CORP. 1619 BROADWAY, NEW YORK
GEO. SIMON, President

M. WITMARK & SONS
announces the appointment of
NORMAN FOLEY
as
PROFESSIONAL MANAGER

Offering....

The nation's new ballad sensation—
THEY SAY
BY EDWARD HEYMAN, PAUL MANN and STEPHEN WEISS

The rhythm fox-trot success—
RAINBOW ROUND THE MOON
BY BILLY ROSE and WALTER DONALDSON

A new ballad hit that's sweeping the country
MONDAY MORNING
BY FRANK WORREL

Almost ready....

A smash score by HARRY WARREN and JOHNNY MERCER
from the Warner Bros. hit "GOING PLACES"
starring DICK POWELL and ANITA LOUISE

JEEPERS CREEPERS
SAY IT WITH A KISS
MUTINY IN THE NURSERY

M. WITMARK & SONS • RCA Building • New York City

SWEEPING THE COUNTRY LIKE WILDFIRE!

MY REVERIE

By LARRY CLINTON

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THE MOST BEAUTIFUL AND COMMERCIAL WALTZ SONG IN YEARS

INDIANA MOONLIGHT

Victor Record By SAMMY KAYE

Decca Record By DICK ROBERTSON

Blue Bird Record By ARTHUR GODFREY

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1619 Broadway, New York City



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BREGMAN - VOCCO - CONN

THANK ALL THEIR WONDERFUL FRIENDS FOR
INVALUABLE AID IN MAKING THEIR FIRST
FOUR MONTHS IN BUSINESS AN OUTSTANDING
ACHIEVEMENT WITH . .

THE COUNTRY'S NO. 1 BALLAD HIT!

SUMMER SOUVENIRS

By J. FRED COOTS and CHARLES NEWMAN

THE COUNTRY'S NO. 1 RHYTHM HIT!

STOP BEATIN' ROUND THE MULBERRY BUSH

By CLAY BOLAND and BICKLEY REICHNER

THE OVERNIGHT NOVELTY SENSATION

I MUST SEE ANNIE TONIGHT

BY CLIFF FRIEND and DAVE FRANKLIN



AND MOVING UP TO THE TOP

TELL ME WITH YOUR KISSES

BY CLIFF FRIEND and DAVE FRANKLIN

YOU LOOK GOOD TO ME

By WALTER DONALDSON and BILLY ROSE

*And last, but not least, our thanks to the
songwriters who have made it all possible*



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1619 BROADWAY • NEW YORK, N. Y.

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DAVE BLUM
Fox Theatre Bldg.



HIT OF TWO CONTINENTS



ESTELLE AND LE ROY

**BOOKED FOR 6 WEEKS
REMAINED 76 WEEKS**

MAY 3rd, 1937...

ESTELLE and LE ROY opened at the SAVOY, LONDON, for six weeks (booked expressly for Coronation week). This marked the fifth return engagement.

Their tremendous success brought them seventy-six weeks of consecutive bookings in the leading Casinos, Theatres and Hotels on the Continent.

OCTOBER 27th, 1938...

ESTELLE and LE ROY, now back in New York, opened at the

RAINBOW ROOM Radio City

For an Indefinite Engagement

Personal Management

JACK BERTELL

Paramount Building, New York City

• 15 YEARS AGO •

(From VARIETY and Clipper)

Nazimova at the Palace with a sketch based on the unknown blonde theme. About as frank as it was dirty—and it was plenty dirty. Sime spanked it plenty, contrasting it with the Russian Art Co., which had an unusually good act. Second Russe show to play the Palace in succession.

Burns and Allen at the Riverside, N. Y. and not getting very far with their patter. Bert Lytell and Powers' elephants helped.

Charles T. Aldrich at the N. Y. State and over in a big way. Carl McCullough backer-upper.

Fifth Ave. had a European novelty, Weldano's Sensation. Crossbar on a steel tower held an airplane on one end and a trapeze on the other. Man worked on the trap while the girl ran the plane, which supplied the motive power. Striking, but the plane motor made too much noise.

Four Diamonds playing around N. Y. and at the Royal. Two of the four were counted good.

McIntyre and Heath at Keith's Boston and after the opening day the ticket speculators swarmed all over the sidewalk. Bert York and Ed Lord followed them, in place of York and King, and made a surprising hit from a very flat start.

Show at the Chi Palace ran three hours Sunday afternoon and not a dozen in the audience quit. Frisco, Marion Harris and Mollie Fuller the tops.

State-Lake, Chi, tipped its Sat-Sun admission to 75c. Most of the other loop houses preparing to follow suit. No kicks.

Famous Players shut down on production at the Los Angeles studio and others preparing to follow suit. Merchants and bankers, as well as players, jittery over the outlook. One report had it that Zukor was alarmed over the cost of DeMille's 'Ten Commandments.'

Ufa planning to show its pictures on the steamers of the Hamburg-American line. First theatre on the Albert Ballin.

Fred Holden, F. F. Proctor's former vaude partner, died in a St. John, N. B., poorhouse and buried in a pauper's grave. Movement on foot to reinter in a purchased grave.

Talking acts complaining band bookings were changing the character of vaude audiences. Newcomers were less responsive to talk.

Van and Schenck running their own club in N. Y. E. F. Albee refused to permit them to double from the club into the Palace. Changed his mind because he needed a headliner.

Biz, which had been good on B'way, slipping badly and several shows were about ready to quit.

Kemp Set for 3 Vaude Wks., 2 Chi Dancehalls

Chicago, Nov. 1. Following week at the Balaban & Katz Chicago here, starting Friday (4), Hal Kemp's orchestra set by Music Corp. of America, will play two additional theatre weeks before returning to ballroom dates in Chicago.

Kemp goes into the Tower, Kansas City, Nov. 11, and following week into the Orpheum, Minneapolis. Returns to Chi Nov. 25 for a week between the two Andrew Karzas ballrooms, Aragon and Trianon.

NEW AUDITION SETUP

Philly Bookers Group Sets Aside One Day a Month to Hear Acts

Philadelphia, Nov. 1. Copping an idea from the New York agents, Entertainment Managers Assn. here has set aside the last Sunday night of each month to audition talent. Ten %ers will gather at the Hotel Sylvania and provide two piano players to accompany the acts. Scheme, which gets under way this month, is figured to save time and trouble for both acts and bookers. Agents declare they have been constantly hounded by prospective auditioners, and although they would like to have seen the talent, they have had neither the time nor the place.

LaConga, Morocco, C. P. Casino, Plus Stork, El Rio; Too Many Class Joints?

By ABEL GREEN

A round of some of the old and new class niteries in New York and a slant at some of the anemic business substantiates a warning of a fortnight ago when the cafe men, from sad past experience, cautioned about too many class spots. Including the well-established Stork, El Morocco, Persian Room, Iridium and Maisonetie Russe rooms in the Hotel St. Regis, 21, the El Rio and the Central Park Casino, plus the reopened La Conga, and the others, it's too wide a field, with its limited class-following, to make most of them pay.

Becoming a survival of the fittest it leaves the old standbys out front, perhaps even more so than ever, for gregarious night-lifers would rather be jam-packed into a sardine-can size boite than have Grand Central Palace for a dance floor.

Nothing unusual to date among the new entries, and the oldies are rather doddering. The optimistic managements talk about 'season still early,' but that comes under the head of stock cafe alibis.

La Conga, reopened by Bobby Martyn and Oscar Roche, with Martyn's father-in-law, Connie Immerman also a greeter at the door, isn't yet enjoying the boxoffice zing that established this spot last season as a big fave. Fred Chiaventone, former International Casino, N. Y., is at the door, whereas Maraschino, former Conga greeter, is now at El Rio.

Peggy Fears at El Rio

El Rio is a new spot at an old address, East 58th street, formerly a prohibition era oasis, variously known as Zelli's, Park Ave. Club, Belle Livingstone's Salon and other tags. It's now in the Brazilian motif, hence the tag. When Zelli had it, the decor was a Montmartre street scene; now it's a Rio de Janeiro exterior. Instead of the French chansons the idiom at El Rio is the 'samba' or 'Zamba,' which Baron and Blair are plugging as a successor to the rhumba-conga. They demonstrate it nicely, being fetching ballroomologists. Hugo Mariani's crack orchestra and Gus Martel's rhumbalists (ex-Stork) are the dancers, and Peggy Fears is the particular attraction at a \$2.50 and \$3.50 minimum check idea.

Miss Fears looks better than ever, possesses more cafe floor zoom than heretofore, and manages very nicely with pops such as 'Go to My Head,' 'Can You Pass in Love?' and 'Now It Can Be Told.' Baron and Blair, besides sambas, do terps to 'Dipsy Doodle' and capus capers to tunes such as 'The Goodies' an old fave with them.

Sid Solomon Out

Another rearranging spot is the Central Park Casino, on East 57th, the former Embassy and last season known as the Sapphire Room and Salon Royal. The front man, up to this past week, was Sidney Solomon of the good old Jimmy Walker-C. P. Casino days, hence called the C. P. C., though far removed from the park proper. Solomon is out now, however, and John Johnnidus, of the old Beaux Arts (when with Nick Prounis, now of the Versailles syndicate), may put in a Georgie Hale floor show. Present lineup is chi-chi with a class ballroom team in Ramon and Renita and Pancho's orchestra for the name band draw. Room is one of the nicest class joints in town. Biz has been poor.

Le Coq Rouge is another of the intine class niteries where Frank, the maitre, is trying to put it over for late business. He won't do it with his present George Stierney orchestra and the Tisdale Trio (polite Harlem combo in white ties; very Parisian, although enjoying strong dinner patronage. Room is a standard but here again, if Frank wants to extend his scope, he must hypo the after-theatre draw.

El Morocco is again in the field with Ernie Holst's band as prime draw, plus the rhumba crew, and again John Perona is hypoing his Sunday nights with guests paced by Johnny DeSya, formerly of the Trocadero, Hollywood. The Stork remains the Stork, a pet spot, which Sherman Billingsley and his greeter at the door, Joe Lopez, jealously guard and preserve as to the calibre

of patronage desired. Sonny Kendis piano-maestros the crack dancapolo, alternating with Jose Lopez's Latin combo (no relation to the maitre d'hotel of the same name).

Apollon's Investment

Still another new starter is Dave Apollon's Cub Casanova, near House of Morgan, in which the Russian m.c. and maestro is reported having invested \$25,000. Much of it went into elaborate redecoration, assuming of old bills from Nick Bates, former owner (who now gets a percentage only), costly debut show, etc. Apollon is a vet vaudevillian, who has his own dance band now, besides condescending the entire works.

On the subject of trying to put over new dance tempos—the St. Regis for a spell this summer got some attention via its Ambeth Walk, which Prince Serge Obolensky, of the management, first exploited—La Conga is now ballyhooing the 'danzonette.' This is a cross between the rhumba and conga; last year this spot came to the fore when Pancho's band did much to further the conga on its road to popularity. Ramon, Renita and Oscar de la Rosa's bands dispense the dancapolo. Minimum, incidentally, has been cut from \$2.50 to \$2 after 10.30.

At the Rainbow Room, Estelle and Le Roy are also on par with those 'new' dance, called the 'sambke,' a cross between the samba and Brazilian maxine. Remember when Vernon and Irene Castle first introduced the latter?

YUMURI, N. Y.

Los Marineros, Nena Montes, Cortez & Maids, Duo los Aztecas, Don Mario Orch.

This downstairs spot, closed during the summer, has reopened under new management, following redecoration on the Latin motif, which fills the bill suitably. It's on a par with those of similar pattern in New York places of Cuban or Mexican type, which feature Spanish dance music.

Show is headed by Don Mario, who doubles as m.c. from his orchestra, and kids his way through the assignment. He's pleasant, wisecracking as part of a plan to establish a friendly contact with the audience. And he's rather successful at it.

He has a rather good voice and, in addition to doing an Argentine tango, sings a novelty number built around Charlie McCarthy, and a special on two cats romancing. In trying to adapt the cats' wailing to dialog, the imitative element, while novel, makes the diction suffer from the vicious meowing called for.

Two dance combinations figure. Los Marineros do fast tangos and rhumbas, while the others sing a partial accompaniment to one of the routines. The other team, Cortez and (Continued on page 50)

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NOW APPEARING WITH RUDY VALLEE

LOEW'S STATE THIS WEEK

Dir.: MUSIC CORPORATION OF AMERICA

Montreal Vaude Comeback Falters; Cut Rates, Poor Films No Aid to B.O.

Montreal, Nov. 1. Vaudeville comeback at Loew's has failed to materialize locally, with house slipping close to red after a couple of winning weeks following opening.

Despite the favorable breaks on price, Loew's still remains the problem child of the local first-run set-up, whereby Consolidated is operating for Famous-Players-Canadian. Where other F.P. first-run houses go to 35c at 1 p. m., Loew's continues at 25c until 5 p. m. with the evening admission at 40c against 55c at the straight picture houses.

Matinee business has been strong at Loew's with six vaudeville acts and a picture. But evening business even against the 40c rate, still goes to films at 55c.

It's understood plans are being mulled for some change in policy. Last year name acts and stage bands, even if expensive, showed profits for Loew's. The sufficient number of names are available for local booking.

Another angle being considered for Loew's is a hookup with some outstanding local radio show. It is understood that Rupert Caplan, local radio producer, has approached Loew's with a view to broadcasting a program from the theatre.

Should vaudeville policy at Loew's be discontinued, house is seen never being able to operate at a profit with sixth choice of product, even at a 25c admission for evenings. With Palace getting first choice of Grade A product, Capitol taking second and sometimes first and Princess getting third and fourth, there isn't much left for the combination house. And booking Grade A product into Loew's would only divert usual business from the other first runs under Consolidated operation.

Lincoln's Vaude Jan. 1

Lincoln, Nov. 1. Vaude is set for Jan. 1, at the Orpheum, which will be the town's first flesh in nearly a year. Orph shutters (9) and will be given a complete tidying. Reopening will be New Year's Eve.

House will also get a new moniker, named in a public contest. It's been Orpheum since it bowed in 1916. It's a 1,350 seater.

Birmingham, Nov. 1.

The Pantage theatre will open Friday (4) for winter vaudeville.

Eddie Williams, former manager of the Strand, has been transferred to the same location with the Pantage.

Lucas Orch for Atlanta

Atlanta, Nov. 1. Lucas & Jenkins' Fox theatre will light up its stage for first time in sometime when Clyde Lucas's orchestra opens a seven-day engagement Friday (4).

Band has been put in to bolster 'Arkansas Traveler' (Par).

FRED DUPREZ, 54, DIES; VETERAN VAUDE ACTOR

Fred Duprez, 54, American vaudeville actor who for the past 20 years has spent most of his time in the English music halls and revue theatres, died Oct. 27 of a heart attack.

He had just arrived in New York on a pleasure-business trip when recalled to London for a radio commitment. He died on the return voyage.

Veloz and Yolanda Plan Tour, in U.S. and Abroad

Kansas City, Nov. 1.

Coming tour mapped for Veloz and Yolanda, dance team, has Hughes proportions. Coming here from several months in Chicago, team hops to New York, thence to London (four weeks) then Florida and California. Following that Veloz is considering Hawaii for the pair and Jerry Shelton, their musical director.

London appearance will be first there for the pair since 1930.

Rita Rio's P.A.s

Chicago, Nov. 1.

Rita Rio's orchestra has been booked for a tour of Warner Bros. theatres through Ohio.

Playing eight towns being opened to flesh for the Rio band dates.

Rah-Rah Trailer

Pittsburgh, Nov. 1. May not have been a publicity stunt but—

Anyway, George Olsen, insisting he was unable to buy a ticket for the Pitt-Fordham game here Saturday (28) wired University of Pittsburgh band that he would be happy to become its leader for the day if he could march into the Stadium with them. College crew promptly accepted his offer.

Newspapers gave the stunt plenty of space, which, of course, won't hurt Olsen any when he brings his own orch to the Stanley Friday (4) for a week's engagement.

PHILLY HOT FOR SWING; WEBB HITS 25C

Philadelphia, Nov. 1.

Aside from New York, with which it runs almost even, the Earle, Philadelphia, looks to be one of the leading swing spots in the country. Although both the Stanley, Pittsburgh, and the Earle, Washington, which are on the same Warner circuit with the Earle here, report best results with bands that are sweet, or tend to the sweeter side of swing, the rougher they are the better Philadelphia likes 'em.

Aside from Kay Kyser, who, it's figured, draws more from a novelty than musical angle, best gross in recent months was hung up here by Chick Webb who hit \$25,000. On the other hand, while Webb was very big here, he did poorly in Pittsburgh. To reverse it, Ted Lewis was very much so in Philly, but was hot in Pittsburgh the very next week. Stanley, Pittsburgh, with 800 more seats than the Earle and higher scale drew only \$15,000 with Webb, while Earle burned the wicket at better than \$25,000. Ted Lewis figure here was \$19,000, while licorice-slicker made everybody happy in Pitt to the tune of \$22,000.

Some thing has held true consistently in comparison of Philly, Washington and Pittsburgh. It happened with Benny Goodman, Tommy Dorsey, Tony Martin, Johnnie (Scott) Davis and the rest. On the other hand, comparisons of the Earle with the Paramount, N. Y., Strand, N. Y., and Strand, Brooklyn, show that every band which went hot there followed form almost in Philly.

Here are some recent grosses revealing the trend here; Ozzie Nelson, \$19,200; Louis Prima, \$20,000; Tony Martin, \$20,300; Phil Harris, \$18,700; Larry Clinton, \$18,500; Kayser, \$30,000; Buddy Rogers, \$18,000; Davis, \$22,500; Webb, \$25,000; Lewis, \$19,000; and Herbie Kay, \$19,000.

Gypsy Rose Lee Unit Gets 5 More Weeks

Five additional vaude weeks have been lined up for the Gypsy Rose Lee unit, currently at the Denver, Denver, in its second date of a cross-country tour. Miss Lee, whose support includes Jack Durant, opens Friday (4) at the Tower, Kansas City, for one week and then proceeds to the Palace, Chicago, Nov. 11.

Stripper is also set for the Palace, Cleveland; Palace, Columbus, and Indianapolis, with the theatre in the latter town still uncertain. Sequence of the latter three bookings, too, hasn't been definitely set. William Morris office is handling the tour.

Chi's Fox Cuts Budget

Detroit, Nov. 1.

Dave Idzal setting small budget but complete vaude shows into the Fox for November. Depending primarily on big pictures for boxoffice. In December he'll return to name vaude bookings.

JACK HARRIS, SINGER, IN DOPE-CHARGE JAM

Newark, N. J., Nov. 1.

Jack Harris, night club entertainer formerly at the White House here, was indicted last week by the Federal Grand Jury, Trenton, on a charge of possessing narcotics.

Harris, a 300-pound singer and comic, was indicted with several others for selling drugs to other entertainers last June.

PITT CAFES MAY FOLD; BAD BIZ

Pittsburgh, Nov. 1.

Seldom in town club history has niterery hit been so brutal here.

Nothing for floor shows to play several nights a week in burg's leading spots to just a few customers. Started off poorly at beginning of season but boys thought they'd at least get a break during World Series. But the Pirates failed them in the final week of the pennant race. Now they're trying to hang on, hoping that couple of big football weekends will pull them up again. If that doesn't turn the trick, insiders expect a flock of foldings shortly.

Number of new spots were announced to open this fall but have fallen through. Webster Hall, returning recently to its policy of weekend dancing only, gave it up after one week.

Liquor sales haven't fallen off much, however, in stores, indicating that the old guard is now doing its guzzling at home and dancing to the radio.

4 HELD IN SLAYING OF CRUSADING GA. CLERIC

Brunswick, Ga., Nov. 1.

Henry J. Cofer and W. H. Cofer, brothers, and two Negroes, George Clebourn and Willie Looney, were arrested last week in connection with the slaying of Rev. Charles H. 71-year-old crusading rector of historic Christ Church, Frederica, Ga., slain on the morning of Feb. 6, last, while he sat at his desk penning a sermon.

Clebourn told police Henry Cofer, owner of Golden Isle Hotel and Golden Isle Casino, also former owner and operator of Nineteenth Hole Club, hired him to slay the clergyman. W. H. Cofer owns and operates the Brass Rail on St. Simons Island, a popular resort center, where interests of the Cofers are located.

The Cofers, through their attorneys, made vehement denials of any knowledge of the case, which was broken when a Macon, Ga., woman, seeking a parole following her connection in the attempt to rob one of the Cofers places, told police that she saw 'one of the Cofers brothers pay a Negro \$150 on the night Dr. Lee was slain.'

Bobby Morris for Willie Howard in Aussie 'Hotel'

Pittsburgh, Nov. 1.

Bobby Morris, burlesque comedian on tour with 'Cherry Blossoms' over Hirst wheel, sails shortly for Australia to replace Willie Howard, chief comic in 'Hollywood Hotel' unit, Howard's contract called for appearances in only chief cities and with Harry Howard, unit's producer, deciding to continue in Australia, Morris was named as a replacement.

He has a couple of weeks more to go in 'Cherry Blossoms' before he sails from San Francisco. Willie and Eugene Howard are only ones quitting 'Hollywood Hotel.'

Purse Snatcher's Story Probed; Cops Free Hooper

Detroit, Nov. 1.

After being held overnight in jail, Irene Faery, niterery hooper here, was released late last week by police who had detained her pending investigation of her possible connection with a suspected theatre purse snatcher.

She was taken into custody at a local hotel when Harold Quinn told police she had brought him to Detroit a month ago after he had served 90-days for stealing purses from women in Chicago theatres.

Philly Booker Group to Follow Music Union Setup in Classifying Cafe Pay

Swinging Votes

Philadelphia, Nov. 1.

Old-fashioned fish fry is no longer the way to win the colored vote here, Democratic campaign headquarters decided. Instead it threw a free 'Jitterbug Party' last Friday night (28) for Philadelphia's Negro electors. Music was provided by Chick Webb's orchestra and Ella Fitzgerald, plus Doc Hyder's local band.

More than 22,000 attended the party at Convention Hall.

CASA'S STRONG SHOW TO BUCK COMPETISH

Girl show competition from the recently reopened International Casino and the Paradise Restaurant on Broadway is forcing Billy Rose to go more heavily into the bankroll for his next lineup of vaudeville at the Casa Manana. Headlined by Lou Holtz and Veloz and Yolanda, niterery will include Helen Morgan, Benny Fields, Borrah Minevitch's Rascals, Abbott and Costello, Gaston - Palmer, Helen Reynolds' Skaters and Betty Hutton. 'Latter is a singer held over from last show. Vincent Lopez also remains.

New show opening Nov. 6 is about the strongest so far in the vaude series started early this past summer. Over the summer Rose hit the mark with his vaude stunt but the advent of Clifford C. Fischer's Parisian revues at the International, and the Paradise, with Russ Morgan's band, plus a floor show, has created new opposition. Sunday night guests at the latter are also cutting in.

Rose will also start a Sunday night come-on called 'Stardust Sundays' on Nov. 11. Letter has been sent out to all producers and scouts around town to attend 'amateur night' gratis. More worthy unknowns will be selected by John Murray Anderson and Rose from those applying and specially prepared for the showcase session. Will be presented around midnight after rehearsals and routing with Holt m.c'ing the first batch. Acts will be paid, says Rose.

May or may not be that Rose is gathering talent to spot in his Diamond Horseshoe which will be opened in the Paramount hotel, N. Y., around Thanksgiving as a light tariff spot.

VOX-WALTERS' VAUDE

Vox and Walters, the ventriloquist turn, wind up a tour of fairs for Barnes & Carruthers in Shreveport, La., resuming in vaude Nov. 4 at the Palace, Chicago.

Philadelphia, Nov. 1. Committee has been appointed by Florence Bernard, prez of Entertainment Managers' Assn., to classify cabarets according to the wage scale which they were assigned by the musicians' union. Object is to get set minimums for talent from each spot, guarantee the act money, the agent his commission and generally eliminate cut-throat competition.

Classification runs from A to D. In the first will be included places like the Arcadia-International, Walton Roof and the Adelphia. B will include Little Rascals, Duttin's Rascals, Twentieth Century and similar spots. C will take in some of the outlying spots, like Carroll's and the Yacht Club, while D will include taprooms. Although entire price scale, has not yet been set, rock-bottom has already been placed at \$30 a week.

Club prices set in the by-laws of the old Contractors' Assn. have been adopted by the committee. They provide that an act cannot receive less than \$7 nor can an agent sell the act for less than \$10. Agents claim more than the 10% they get on cabaret bookings because of the small amounts involved in club dates, and this has been agreed to by the American Federation of Actors. On dates over 40 miles away, acts must be sold for no less than \$15 and all expenses and talent must actually receive no less than \$10 and all expenses.

In order to curb benefits by cabaret talent, agents have made a ruling that an act must get a minimum of \$10. Price committee consists of Joseph Hughes, chairman; James Smith, Ed Swicker, Tony Phillips, Roy Cross, Jack Fields, Jolly Joyce and Tom Kelly, local rep of AFA.

BOOKER ON PROBATION IN HIRE OF JUVE TERPER

Detroit, Nov. 1.

Charles Burns, of Michigan Vaudeville Co., who pleaded guilty two weeks ago to booking a juve terper in local niteries, was sentenced to two years' probation last week by Recorder's Judge John V. Brennan.

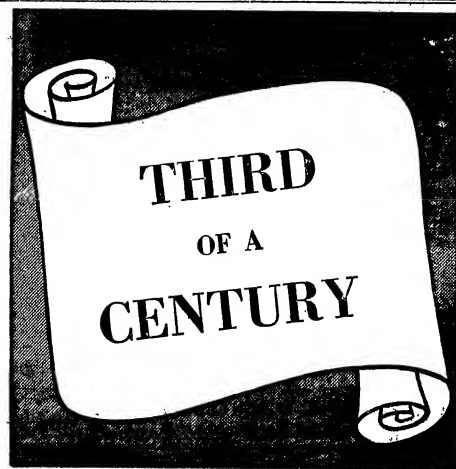
Charged with the same violation of the state law, Harold Browne, Amusement Booking Co., and Leo Curtis, Curtiss Booking Co., are awaiting trial after pleading not guilty last week. Both are out on \$500 bail. Stella McLeod, state investigator, charged agents with booking femme hooper into local niteries for state several months, contrary to state labor act governing hire of minors.

Rubinoff Prepping For Air, Vaude Bookings

Chicago, Nov. 1.

Returning to active list ahead of original schedule, Dave Rubinoff, who had been on the sick list for some time, is setting up broadcast and p.a. dates.

Being submitted around midwest for vaudeville bookings.



PHILLY AFA HITS ACT-CHISELING FOR BENEFITS

Philadelphia, Nov. 1. Campaign of local unit of the American Federation of Actors to eliminate chiseling by nitery operators on benefit shows has begun such gimmicks this season, Tommy Kelly, AFA rep here, who started the drive, has declared.

Kelly estimated that acts in night clubs were giving away a minimum of \$6,500 worth of talent a year before the present drive. Now, he said, a great many of the benefits that were formerly played are doing without entertainment since they can't get it for nothing, while many others are turning to hiring acts.

Chiz was principally eliminated by Kelly passing on all benefits before they're played by acts.

Another curb on the racket is enforcement now by Kelly of the 15% levy for actors on any money collected at benefits. This rap has long been on the statute books, but never before enforced.

Seek 'Good Samaritan' For Criminal Attack

Syracuse, Nov. 1. Syracuse police today are still seeking the 'good Samaritan' who offered to assist Mrs. Ruth Englebrecht, 54, of Rochester, N. Y., in the hunt for her husband, reported to be working as an entertainer in a Syracuse night club.

Mrs. Englebrecht was making a tour of various clubs in search of her mate when she met a man who offered to assist her. Instead of assisting her to other night clubs, however, the stranger is said to have taken Mrs. Englebrecht in his auto to an isolated spot where he attacked her and then forced her out of the car.

She managed to secure part of her attacker's license number, which she turned over to police. At the same time police are engaged in an up-close search of niteries for the missing husband.

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Vaude Cavalcade

'Two-a-Day,' a cavalcade of vaudeville, WPA variety revue by Gene Stone and Jack Robinson, which tells the story of vaudeville since 1800, is current at the Hollywood Playhouse, Hollywood.

Reviewed in this issue on page 58.

AGENCIES EYE K.C. COP'S TRICK HORSE FOR DATES

Kansas City, Nov. 1. Fred Dobbs, police sergeant in charge of traffic here, is angling for night club and vaude showings of his midwest trick horse, Brilliant. Rockwell-O'Keefe, William Morris Agencies are said to be interested.

Officer acquired horse at foaling four years ago and has since made a hobby of training the nag, which stands under four feet. Interest locally through fair and school dates has increased to point where agents are angling, especially for night club dates.

Police department is granting indefinite leave of absence to Dobbs, who will be killed as 'Sgt. Dobbs' and will perform in regulation uniform. First agency-arranged date will inaugurate act to pro show business.

Dancer's \$3,000 Damage Suit Vs. Hotel Syracuse

Syracuse, N. Y., Nov. 1. Decision is expected shortly in the unusual case brought by Sema Laska Stelmach of Wilkes-Barre, dancer, who has brought suit against the Hotel Syracuse Corp. for an injury to a knee tendon suffered while entertaining at the hotel's last September. Claiming that while she was doing a split, her leg was twisted by a creak in the temporary stage erected by the hotel. Miss Stelmach is seeking damages of \$3,000.

The case is being heard by a jury and Judge Patrick J. Ryan in municipal court and was featured by an adjournment to the hotel where the stage was set up and minutely examined by the talemans. Because of her injury Miss Stelmach could not demonstrate the manner in which the hurts were suffered, but she sported a huge bandage and produced photographs to show the condition of the platform at the time of the alleged accident.

N. Y. Cafe's Full Sked

Hotel Savoy-Plaza, New York, is booked about a year in advance. Dwight Fiske is current, and then Milli Monti, Hildegarde and Russel Swan are set for return engagements, in sequence.

Emile Petti band continues per usual.

DETROIT COURT FINES BAND IN CONTEMPT

Detroit, Nov. 1. For contempt of court, Lucien (Sausage) Tyson and his Five Pork Chops, nitery entertainers, were fined \$25 each last week by Circuit Judge Henry G. Nichol.

Fines resulted from contract difficulties which Pork Chop band had with Villa D. nitery here. Cafe had hired band for four weeks at \$30 weekly, but Tyson jumped contract after a week to work at another spot. Villa D management had band enjoined from playing at any other nitery until case was settled.

Clifford, Ex-Vauder, To Help Manage Philly Cafe

Philadelphia, Nov. 1. George Clifford, formerly of the dance duo of Clifford and Wayne, has taken over management of the downstairs cocktail bar at Benny the Bum's. He has rechristened it the Jitterbug Room, and also asisted Benny Fogelman, the nitery's operator, in general hosting. Clifford was a partner in Mayfair Farms, New Jersey spot, which quit last summer.

Another switch at Benny's has Tommy LaBrun back handling publicity.

DUCK DOUBLING

Larry Clinton and Ray Scott See Par Date As Enough

When Larry Clinton opens at the Paramount, New York, in two weeks he will drop out of the International Casino, Broadway nitery, deciding it's too long to double.

Raymond Scott Quintet, currently at the Par, likewise cut short its engagement at Le Mirage, N. Y. nitery, deciding it was too tough to double.

Saranac Lake

By HAPPY BENWAY

Jack Edwards, Eddie Vogt and Ben Schaffer supplied the comedy at the Will Rogers' Halloween party. Dr. Karl Fischel top speaker.

Inell Guillery, formerly of Oakdale, La., is a newcomer at the Rogers. Just a little tired.

John DeGiovanni and Walter Hoban one year older. Both mending nicely.

Dr. Warner Woodruff, who does all of our operating, off for one month's vacash.

Couple former N. Y. A-ites who deserve special credit for their comeback are Joseph Parker and Bill Robertson. Both working in New York.

Leiselotte Jacobs, who has been at the Rogers, back to N. Y., okayed by Dr. Ernst Adler.

Russ (Philadelphia) Kelly in for nose operation.

Isabelle Manning, New Bedford, Mass., in and out on a checkup. She's back on the job after oozing four years.

WNBB, local station, moving atop of the St. Regis hotel, will have three added studios. Ray English is new manager of station.

Indian summer here. Colony going nuts itching from red flannels worn during the recent cold spell.

Mark Vance, at the Will Rogers, making nitzy progress. Local WNBB paid tribute on his birthday. His missus visited Camp Intermission as guest of Mrs. William Morris.

Manie Lowy, who once fiddled for Rudy Valle, mastered another operation, his fourth. He has oozed here seven years. Left in 1935 to resume work but had to come back.

Al Burrell, Hotel Saranac entertainer, knotted to Adelaide Muller.

Hank Hearn got his absolute okay and leaves for N. Y. to resume his film selling.

Riga Konova (Fort Dearborn Hotel, Chicago) gets a vote of thanks for sending boot etc. to the Rogers.

M. C. Ross, ex-trooper, who's now oozing at the Fox River Sanatorium, Batavia, Ill., is making the grade.

Will Rogers birthdays: Jack Eskins, Sid Grill, Johnny (Three Aces) Jones, Sam, Dnam and Rose Clark. All doing nifties.

Dave Rose left the Will Rogers in good shape. Can now go to work.

George Puget, who's now Detroit-ing, and who's recently over intestinal flu, has sent books and magazines to this colony.

Write to those who are in Saranac.

Nitery Reviews

Yumuri, N. Y.

(Continued from page 48)

Maida, features a tropical dance and a very fast type of adagio. In one number the man works in a linen suit, while in the other, it's tails. He's a little lacking in finesse, notably in the tropical routine. Both dance combos adequately suit requirements of the place like this, though they require more than now showing to step ahead.

Additional Spanish dancing flavor is lent by Nena Montes, who singles in two canned routines. She works as a peasant in one, done satisfactorily.

A Mexican guitar-singing duo, the Aztecas, is excellent. Young lads play their guitars well and have good voices for their type vocals.

Show is snappy and fast all the way, being held down to about 45 minutes.

Char.

Arcadia-International (PHILADELPHIA)

Philadelphia, Oct. 28. Happy Felton, Orch, Gali-Gali, Muriel Thomas, Billy Galbraith, Eddie Platt, Lorraine Barre & Louise Dunn.

Happy Felton, who broke up a nitzy crew last spring to go on his own as a theatre m.c., and found the going hard to his liking, brings to the Arcadia a new aggregation which was less than a week old when it opened. Felton, aiming more at theatre dates than nitzy spots, has considerably more than just a band. Except for the absence of a terper and some sort of novelty or flash act, he actually has a whole lot of 20 people. What he has left out of the Arcadia has supplied no show as it stands provides an entertaining hour.

Tunes by the 14 tooters are rapidly smoothing out.

Combo carries four chirpers, two guys and two gals, all youngsters and pretty much novices, but all with something to offer. Billy Galbraith, nice-looking lad, with the snap of Killdeer on his phiz, is billed as an Irish tenor but does equally well with pop tunes. Has a flashy closing style to catch the heads.

Eddie Platt is a pass-partout, one socker, "Old River" and bits of opera. Lighter classics like-wise forte of Louise Dunn. Burden of most of the pop tunes falls on Lorraine Barre, 19-year-old deb, in her first pop appearance. Femme's pipes only so-so, weakest of the quartet, but she's a looker, has an ingratiating smile, class, personality and pep.

Show has large quantities of original material, most of it strong, and all provided by Maury Olsen, who's traveling with the outfit. Everything's held pretty short and moves along at snappy pace. Lots of it is pretty corny, but that's the Felton style, and it goes. Felton, himself, of course, is also okay as m.c. and maestro, with a grin as broad as his waist.

Gali-Gali, Egyptian magi, is top prestidigitator. His fave is worked with seven live chicks produced by the aud and from their pockets. Forced to beg off. Muriel Thomas does two individually-styled terper numbers.

Herb.

Hotel Ambassador, N. Y.

Dick Gasparre Orchestra with Eleanor French. The Albins (2), Renee de Janette, Yvonne Brigrade's South American Orchestra.

Trianon Room of the Hotel Ambassador has reopened with Dick Gasparre's dancapella back again to nine audience values plus some extra trimmings. Eleanor French is his new vocalist, an s.a. type songstress who will qualify in a long-felt

need among the better cafes for a good 'small name'; i.e., a not costly interlude and yet one that may shape up promisingly for b.o. values.

Miss French is a looker with a socialite background, being the daughter of Ward French, and while not as ambitious in her singing scope as Eve Symington, another socialite warbler, she looks and listens above par.

The Albins do hokum ballroomology, not exactly of The Hartmans calibre, but get by nicely in this popa pleasantly being the dope Minor and Eddie Root opened in their places.] Renee de Janette is given more solo prominence with her vocalizing than Miss French but she's a mimmer so far as her Gallic tag is concerned. Sounding like the 'disease' type of songbird, by name alone, Miss de Janette is so un-Frenchy as a dandy songplugger. Her pops are three contemporaneous ditties, with nothing distinctive in her song repertoire. She looks nice and handles the popa pleasantly, but the idea of publicizing her as 'French chanteuse' is fortified by nothing that's Continental, either in her manner or in her repertoire. Abel.

AVALON, CLEVEL.

Cleveland, Oct. 29. Hy Barron, Rock, Eileen Joyce, Nicholas & Sylvia, Melina, LeZar & Frances, Bob Marchand, Vic & Dolly Garrison.

Brief experiment with high-priced name acts and smaller shows was such a flop that Harry Wine-zimmer's spot is going back to glorifying quantity. Used to be one of the smartest, intimate hangouts for the heavily-heeled, but constant policy changes have caused a drop in trade.

Nearest thing to a flash-banger is team of LeZar and Frances, whose Russ acrobatic steps are top in dazzling speed, if not in freshness. Spectacular stuff redeems first number, a costume-changing bit that's dated. Melina, who does neat piano accompaniment for them, surprises by striding down to a parolous dance nude afterwards. Gal's not a stunner for her beauty but rest of her architecture is worth extra peeps. She peels gracefully.

Nicholas and Sylvia also have one weak dance turn. After some pleasing ballroom terping in full dress, they dust off an ancient Apache number. Femme's thin legs and drab costume don't help the melodramatic knock-her-down routine, but their straight work is clever enough to offset this letdown. Eileen Joyce is personable, with a contralto that's swell in lower octaves, but thin on high notes. Going into 10th week as m.c. personable Bob Marchand paces the show smoothly. In tails, he does everything, magic, singing, dancing and juggling, with skill. Only drawback is his corny patter.

Hy Barron's nod in gypsy outfits plays well for show and dancing. Despite all efforts, it's a conventional show that may not make the good name—and Wine-zimmer can afford it.

Pullen.

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BLAIR**
On Tour Fuller Circuit, Australia
with
"Hollywood Hotel" Revue.

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THE VERSAILLES
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MINOR and ROOT

IN NEW DANCES
AMBASSADOR HOTEL, N. Y.
THIRD RETURN ENGAGEMENT

MUSIC HALL, N. Y.

Sylvia Manon & Co., Yoichi Hiraoka, James Morrison, Jay & Lou Seiler, Rocketeer, Music Hall, Glee Club, Show, Singing, Ernie Rapee conducting; Young Dr. Kildare (M-G), reviewed in VARIETY, Oct. 29.

Far from being the most pretentious show put on here, Leon Leonidoff's four-part revue still has several bright spots and enjoys good stage and lighting. Good settings are by Bruno Maier; excellent lighting is by Eugene Braun, with special luminous color effects for one number by Stroblite; costumes, generally in good taste, is by Willa Van and Marco Montedoro.

Rocketeer is favored by the special luminous Stroblite lighting in a weird novelty routine which is well done for unusual effects. With portions of the girls bodies not subject to the radium-type lighting, one of the illusions is dancing less than it appears.

Kylophone solo by Yoichi Hiraoka is the curtain-raiser, serving also for comedy.

Whole scene supposed to suggest Halloween. Opening sequence, "Woodland Nocturne," is in a pretty setting, with falls and other scenery as background for Sylvia Manon and Jay & Lou Seiler. Glee club members are in bright, hunting clothes and background for the close, which features the ballet corps and costume change of Jay & Lou Seiler, novelty dancers on semi-circular skis. Drill portion of the Seiler routine is a bit slow.

Business light Thursday night (27). Char.

STATE-LAKE, CHI

Chicago, Oct. 28. Jans & Lynette with Frank Brown, Buddy Doyle, Carroll & Howe, Marc Ballero, Sophisticated Ladies Trio, Verne Buck house orchestra, House Line; "Speed to Burn" (20th).

Routine show that will get routine biz. Fair trade in for last show Friday (28). Good dancing turn, Jans and Lynette, gets the show away nicely, exhibiting good showmanship and rhythm in several dance numbers, especially a rag-doll dance. Brown-between with tapping and semi-acrobatics. Long turn has much merit, Suitable for theatres or niteries.

Buddy Doyle has some poor political gags and a weak song about stooges that gets him away slowly. But he comes back strong towards the end of his act with a song about a couple of brighter jokers Doyle figures for surefire results anytime. He's got plenty of showmanship and a bit of brushing up on his material will make him a better act.

Jean Carroll is loaded with comedy personality and she remains a great bet for toponoth rating. Reamed with Buddy Doyle, they make a good vaudeville comedy crossfire turn. Howe has dropped most of his former hoofing, slicing it down to comedy challenge work. His partner, a He's not a particularly good straight, but gets by easily enough on appearance and plugging.

Marc Ballero approximates the voices of a dozen vaude names with the impersonations being close enough to be identified by most of the audience. All right for the family trade if he doesn't wear 'em out.

Three Sophisticated Ladies make repeated attempts to get laughs with their pratfalls. It's disorganized knockabout leading to jumbled results.

House line works well, as ever, and this week comes through with excellent material to rate the bright spot of the show. Gold.

STATE, HARTFORD

Hartford, Oct. 28. Ina Ray Hutton, Bob King, Bobby Pinkus & Ruth Foster, Winsted Boys (2) & Elaine Merrit, Hollywood Winsted boys (4), Sam Kaplan house orch, "Under the Big Top" (Mono).

Boxoffice returns indicate that name bands bring heated action at the turnstiles. Ina Ray Hutton carrying the marquee weight. Miss Hutton's band gets things under way with a swing medley, including several instrumental solos. Band on most of the time. On next are Sonny and Shirley Dall, flash dance team. Offer three different routines, including a shag, for big house. Middle act, "How to Help Me" to garner an enthusiastic salvo.

Bob King, ventriloquist, scores solidly. Uses two dummies, a female Chas McCone, and a male impersonator. Pulls in the palm patter

when he sings through the medium of his dummies. Miss Hutton back again for a rendition of "You Go to My Head," nicely received. Band next, giving some instrumental solo. Winsted Boys (2) and Elaine Merrit vocal to the accompaniment of the boys' guitars. Click nicely with "We Shall Fry and Pockettful of Dreams."

Bobby Pinkus, comedian, assisted by Ruth Foster, fills the next-to-closing spot. Gal, fair looker, does a "Froggie" piece, with a lot of laugh-getter. Versions of a crooner making love to a mike and of a punchdrunk boxer are big clicks. Gags are borderline.

Three live-wire patterbugs, four couples, close strong. One of the lads mixes acrobatics with his dancing. Bix good. Eck.

Embassy Newsreel, N. Y.

Sportsdom dominates new show here, with eight football games crisply handled and two reels grabbing pictures of Sweepstakes winners in New York and Hollywood. The crew and Ted Webbe handle a 'man in the street' interview on Dewey-Lehman government race, which represents the showmanship of the Japanese conquest in China. Are shoved into the background as these topics click with Embassy crowd.

Gridiron procession is topped by Paramount's comparison of professional football with the college game. N. Y. Giants-Brooklyn contest last Sunday (23) and Stanford-Southern California battle being employed for a dramatic picture of the game and clever editing make clip stand out. First, the sensational passing and systematic line play of professionals is dramatically pictured. Second, the college game is shown not as much needless body contact or muddled plays as in college battles, especially when the California try to invade Stanford's territory. Illustrated on a Stanford punt as So. California safety man lets it bounce away from him, then it continues to bounce back over the goal line and results in a two-point safety for Stanford. Huge crowds, cheer leaders and something of the ol' college try is also depicted.

Ed Thorgeron comments for Movietone on Dartmouth-Harvard, Pitt-Southern Methodist, Santa Clara-Arkansas and Villanova-Detroit games without becoming tiresome. Crapshooters feature the terrific drive of Pittsburgh's backs in the game with Southern Methodist and its well executed passing game. Santa Clara-Arkansas contest is headlong dive of a Razorback for a touchdown. Pigeon game follows see easily who's the star in Princeton-Navy tie as Woody made opponent's play to shreds (News of Day). Pathe uses closeups but not too effectively on Columbia-Penn. affair.

Unconscious humor and dry quips produce big laughs out of program. Most spontaneous laughter results from Par's treatment of Sweeps' victors, particularly when wife (out of camera range) congratulates him. speech and again when a wife receives sotto voce aid from her mate. Lew Lehr interviews two winners in straight fashion for moderate results.

Again unrestrained laughs are produced in by-play of New York newspaper writers appearing on "Information, Please" radio program, captured on Par's screen. The reverse-song by one participant is a pip. Boston jittersbug contest also evokes smiles as done by Movietone. "News of Day" (tabbed Public Forum No. 1) doubtlessly is an expensive proposition but heartily received. About eight, four for Dewey and four for Lehman, are viewed on why they were for their favorites.

Capture of Chinese key cities (N. of D.) is timely even though clip contains familiar material that has come over from the Orient in past year. No specific city is identified. However, it's neatly put together and well-arranged and made more vivid by charts explaining terrific drive to key cities by Japanese.

Italian troops are shown withdrawing in big lots from Spain (Fox). Not a hit with the audience. Same reel shows giant bombers from the sky field, giant. Universal provides a novel anti-aircraft tank. Par points to the business upturn with a comprehensive coverage of Detroit auto plants, with optimistic interview with Knudsen, motor car exec. Ford's back-to-farm project is outlined nicely covered by Par.

Remarkable parade of latest turns on beauteous models is trimly handled by Universal. Same newsreel has Paris auto show. Par makes a comprehensive coverage of Joseph V. Connelly awarding medals to crew that brought flaming plane down safely without loss of life, with a sly plug for men with wings incidentally. Billiards played on a crack train (shot with train named) provides novel sport for Pathe. Rodeo performers putting on an outdoor show for the crowd. "News of Day" (tabbed) youngsters is effective human interest yarn by Universal. Universal also does nice job covering iron lung patient leaving Chicago for Florida. Chas McCone's "How to Help Me" model house by Fox. Wear.

STATE, N. Y.

Rudy Vallee orch, Caryl Chessin, Bob Neller, Vic Hyde, Ames & Arno, Doris Dupont, Gentlemen Songsters; "Too Hot to Handle" (M-G).

When caught (Thursday evening's initial performance) the stage show was quickly dusted off. It ran but 37 minutes. Schedule called for 45, also somewhat under par for the evening. The act, however, is Rudy Vallee and his bandmen were allowed but 20 minutes to make the NBC studios in Radio City and get set for their Standard Brands broadcast.

Shearing undoubtedly works to the show's good. Things moved along nimbly and the general results were punch entertainment. Vallee was triple from song to me and to occasional juggling of the baton and he introduces something different in smack curtsies, the dramatic recitation, where he recites a piece of Osterman's authored. The piece, which stresses the woes of a big city taxidriver, lends itself perfectly to Vallee's talents, and the sendoff it got was mostly unanimous.

Efforts of the Gentlemen Songsters, a foursome, are confined to the open vocal bit. Pert, little Doris Dupont drifts in next for an eye and ear tickling number of hard-boiled rhythm. Comedy gets its first whack from Bob Neller, ventriloquist whose technique leaves little wanting. With dummy Dizzy Dugan as the alter ego, Neller tosses off a uniformly diverting assortment of wisecracks, plies tongue-tripping nursery rhymes and rounds out the routine with a hilarious time in two octaves. Neller's was a sock getaway.

Following inning goes to Caryl Chessin, Vallee's latest protégé. In addition to brunt looks, girl has ear tickling number of hard-boiled rhythm. Comedy gets its first whack from Bob Neller, ventriloquist whose technique leaves little wanting. With dummy Dizzy Dugan as the alter ego, Neller tosses off a uniformly diverting assortment of wisecracks, plies tongue-tripping nursery rhymes and rounds out the routine with a hilarious time in two octaves. Neller's was a sock getaway.

Elsie Ames and Nick Arno make every second of their knockabout routine count for laughs. Nothing seems left to chance. Also, a mid-section wallflower is the encore which the district side of the act centers around Vallee. She does not prettily fall after another just so that Vallee will assist her to her feet but much less elegant is her partner who repeatedly assumes the task. Even without this well-developed bit it would have been all hands up for the pair.

Hyde takes his next-to-finishing assignment in stride and with Vallee rooting for him in the background, proves that they will go for a brass barrage in a big way if the act is a success. The accompanying party is half-way funny. Hyde still toots three trumpets at a time and tells 'em about his father's flour barrel was good. Ode.

STANLEY, PITT

Pittsburgh, Oct. 28. Freddie Bartholomew, Bob Foy, Toy & Wing, Cars, Wines & Topp, Texas Jim Lewis & Lone Star Cowboys (3), Dave Broudy house orch (16); "Hard to Get" (WB).

Strictly vaude in the groove. Although Dave Broudy's house orchestra quite the pit for the platform, there's no effort to run off the act. The band merely supplying the acts with music and letting it go at that. Management might have stuck in a femme singer with a hoosier. Boys have the boys more informally, let them do a couple of numbers on their own and improved the whole layout considerably.

Stanley's a funny house. Best turns around in quick succession and just get by. On the other hand, stick them in front of a snappy musical outfit and they're all big clackers. Not that Broudy doesn't do all right, but he doesn't have a chance and might just as well be doing his stint in the pit. Layout also needs a showman's m.c.

While Freddie Bartholomew's okay on an end, he doesn't clip out the announcements and doesn't pull the show together properly. Should stick exclusively to his own specialty, a shrewdly-conceived turn. Opening act is a slightly behind eight ball, however, because nobody realized that a screen shot in his act was also in the trailer of the next picture, "Listen Darling" (M-G). G. G. Wines caught in the trailer of which went on right ahead of show. Judy Garland was in both. Coming attraction was quickly yanked, though, and film moppet found the picture easier after all. Conversation sounds a little too cocky for one so young and he might wisely bend a little in the other direction. Ode.

Opener is Bob Foy, a standard sock for a couple of years now. Juggles while speeding about the stage on, first, a low unicycle, and then a high one. Foy has a good eye, Foy was off form, missing a flock of tricks and not gathering in his usual returns. Followed by Toy and Wing, a dancing couple in a crack-jack session. Foy, more than just novelty here, for team pack a

real wallop and flashes a lot of showmanship and ability.

Bartholomew introduces Cass, Owen and Tony, three feisty acts, a man who mop up with their knockabout acrobatics. Gals clock plenty of laughs on their physical disorder, letting the s.a. go. Wind up with a slow-motion jumble of legs, heads and arms, that's how.

Their exit brings on Bartholomew for his from-stage-to-screen talk with Miss Garland and Mickey Rooney, a smart pickup. Closing act is Texas Jim and his Lone Star Cowboys. Good instrumentalists and vocalists, but strictly a hillbilly quintet in western style. Inject a bit of comedy patter, which doesn't hurt, and their repertoire is good, corny hokey. Biz just fair. Cohen.

EARLE, PHILLY

Philadelphia, Oct. 28. Henry Busse orch, Ella Logan, Shirley Lloyd, Jean Florian, Joe & Jane McKenna, Don Houston, Kernan & Ingram, Lou Schrader house orch; "Five of a Kind" (20th).

Earle show this sesh has almost as much talent as last week's, but is but a hair less, 80 fairly entertaining minutes. It's almost entirely tuber fare, but on a broad enough base to take care of practically any one's taste. Marquee power, nevertheless, is not only a draw for the five-nites, but that seems enough in swing-razz Philadelphia these days. Biz good.

Skipping away with top honors is Ella Logan. Scotch lass. Femine has nice pipes, but her strength lies in her personality and ability to sell. Also has a trick manner of slipping into a thick brogue that's extremely ingratiating. It's almost entirely tuber fare, but on a broad enough base to take care of practically any one's taste. Marquee power, nevertheless, is not only a draw for the five-nites, but that seems enough in swing-razz Philadelphia these days. Biz good.

Chirper with the crew is Shirley Lloyd, fair looker, with a light, torchy voice. Best on the fasties, particularly a swing "Hallelujah." She has the band, the band, likewise pretty good in minies of Vallee, Crosby, Richman and Ted Lewis warbling.

Other acts not with the band include Jean Florian, Juggler, and Joe & Jane McKenna, knockabout comics. Florian nothing exceptional in his ball spinning and tossing. Juggler has a few flashes among a flock of others who are caught. Fails to use the misses as a showmanly build-up for a trick when and if it finally does work. He doesn't catch the band, but gives up switching to something else. McKenna work hard, patter, hoof and toss themselves around. Mildly amusing. His drunk imitation best.

Also added this sesh are the winners of the jittersbug contest recently concluded by Warner Bros. Local kids billed as Kernan and Ingram. Click solidly with the five trade. Lad considerably out of his head. Boys are terping, while she exhibits the only showmanship between the two. Band's "Day Is Done" theme, as a flie, is good. Herb.

HIPPO, BALTO.

Baltimore, Oct. 30. Bert Walton, Lathrop Bros & Virginia Lee (3), The Sisters, Stroud Twins, 3 Jewels; "Room Service" (RKO).

There's plenty of fancy verbiage being spilled here, namely with Bert Walton and the Stroud Twins tossing off polysyllabic nifties all over the place to round out a well-paced, satisfactory layout. Walton, who m.c.s, keeps matters moving swiftly.

Opening by Lathrop Bros and Virginia Lee, two mart lads in tails, set the show off with a fast tempo and rhythm hoofery, giving setup a lift from the start. Do two smooth routines to big returns and set good niche for the Three X Sisters in the device. Sisters harmonize special material built around "A-Tisket," followed by their standard "You Too Can Be the Life of the Party" in which they make a case for why of musical instruments. Encore with swiny "Alexander's Ragtime Band." Stroud Twins garner plenty of laughs with their skillful fancy talk, closing with a hoosier. Boys have developed a smooth, punchy delivery and recent radio buildup evidences itself on their entrance reception. Their bows are somewhat deadpan but an aptly timed damper, though. Walton, utilizing his frail stooge for a constant stream of funny talk, is solid. Vocals "Where Are You" and "Straighten Up and Generalize" gets over on his excellent showmanship. Five Jewels had a hard time getting started in the closing spot at this catchup, but caught on with flashy chick swinging for a fast, ideal sesh. Biz good. Burn.

PARAMOUNT, N. Y.

Mark Warnow Orchestra, Raymond Scott Quintet, Maxine Sullivan, Ann Miller, Senor Wences; "Men with Wings" (Par) reviewed in VARIETY Oct. 28.

A strong show at the Broadway Far this week, plus a good action film. Combo augurs extraordinary business. Extraordinary also is the fact that the acts had above quality under VANITY'S New Acts, although none is wholly new to show biz. The turns are culled from radio, literary and films, but not recorded in the files, hence the detailed reviews elsewhere in this issue.

Show is brightly paced and holds plenty of b.o. appeal through its combination of radio, disk and screen rep. Warnow is the CBS star; Raymond Scott came to attention via the platters, plus also his 20th-Fox film musical chore; the dusky Maxine Sullivan's swinging of the Scotch air is a hit. Shine removed on wax and in the 523 street bistro.

Also from the cafes is Senor Wences, remarkable comedy ventriloquist who doesn't require the curio of Charlie Krieger (Edgar Bergen) voiced to help him sell along, although that shouldn't hurt. Ann Miller, who played the ballet dancer in Columbia's "You Can't Take It With You," is the Hollywood recruit who now rates "dancing star" billing. She's a comely, shapely tapster.

The five turns blend well and, in combination with the aviation picture "Men with Wings," make for good two or three weeks' takings. Abel.

APOLLO, N. Y.

Teddy Hill orch with Melba Smith, Slim & Siam, Lilian Mack, Nathan Bros, J. J. Davis & Revue Society Burns, Johnnie LaRue, George Wilshire, Vivian Harris, House Line (16); "Buildup Drummond in Africa" (Par).

Apollon slips this week. What looks like a natural for its audiences on paper, fails dismally and drops below the level of the line. Bringing on the line during the final band act, a practice here, is usually an anti-climax. Tables are reversed currently, however, the line hypothesis is the main attraction. Siam and Teddy Hill's orchestra.

Trouble not only lies with Hill and Slim and Siam. Listlessness permeates almost the entire bill. That of course, which grates the line, which has brushed up on its terps and really seems to enjoy itself on stage. Opener is in Halloween mod, using the girls and Lilian Mack, Lathrop Bros, a fancy singer who has no time convincing of her acrobatic ability. Appearance helps, too.

Appropriately costumed hula number by the line is too long. That's one of the major objections to the production here. This layout sets the stage for Abdeen and Ravita's interpretive contribution. It's a tropical apocrypha, which grates the line, which has brushed up on its terps and really seems to enjoy itself on stage. Opener is in Halloween mod, using the girls and Lilian Mack, Lathrop Bros, a fancy singer who has no time convincing of her acrobatic ability. Appearance helps, too.

In the device are the Nathane Bros. The device is a turn in an acre and strong man style. Boys open doing rolls and flips, etc. while scraping and plunking a guitar and violin. Discard the instrument, the heavier stuff, which encompasses overhead balancing, head stands and such, while easing in as much comedy as possible via the beating beat by the band.

Hill's orchestra, which beats it out for Harlem jittersbugs at the Savoy ballroom, shifts from pit to stage during a comedy bit. Aggregation has the girls and Siam, but shows no reason for it here. Sex selections could be better, too, few numbers being in the popular vein. Outfit is composed of three trumpets, two trombones, two sax, and four rhythm, including the drummers, who lips a sax occasionally. Of the bunch, there are only one or two solo standouts. Spotlight finds the drummer, who has a three-minute finale for a vibraphone solo, which imports some life to the crew. His stuff on the skins also stands out.

Slim and Siam do their stuff during the entrance of the orchestra and leave the payees cold until they go into "Tutti Frutti." This signals the entrance of the girls and a general brightening up. Customers, who evidently are hungry for swing which is not forthcoming from Hill, howled and blistered palms, bringing the girls back three times through catching. When only two of the 16 did a duet there's also a cheer. Melba Smith is band's vocalist and n.s.

Comedy is not strong this week. Lines up Sandy Burns, Johnnie LaRue and straight George Wilshire and Vivian Harris. Best is a police precinct kick immediately preceding the band.

Grisman to Survey Keys Between N. Y. and Chi for Road Circuit Idea; Would Buy Rights to B'way Shows

Sam H. Grisman will tour the principal week stands between New York and Chicago for the purpose of surveying the possibilities of forming a 'third circuit,' an idea he has been considering since last season. Showman proposes a new plan for the road which would have the operators, or owners of out-of-town theatres, participants in productions.

Central idea is to buy the road rights of Broadway shows whose producers do not contemplate touring after the New York engagements. He is opposed to sending out duplicate companies during the Broadway engagements, and in that way remove the supposed stigma of 'road show' or 'number two company.' Grisman believes there are plenty of capable players willing to tour, provided the original cast will not take to the road.

Original production would be bid for, but the manager prefers to have the out-of-town showmen provide the settings. He figures that if 25 such house operators, not necessarily located in as many communities, would embrace the plan, they would be assured of enough attractions and also participate in the earnings.

\$10,000 Per Show

Grisman estimates that the cost per production would entail a maximum outlay of \$10,000, and if the plan eventuates it would mean that the total expenditure would be \$250,000. Coin need not necessarily be provided by the local showmen alone, but might be raised by drama clubs, or civic organizations. Plan calls for the pooling of takings of all theatres within the proposed circuit.

Idea is opposed to that of the American Theatre Council, which is slated to proceed along different lines. Producers are to be asked to submit plans for sending shows to the road next season and field men are to be sent to various stands, where subscription campaigns are to be conducted. It's expected that enough money could be raised in that way to insure producers against loss on the road, and they would only be taking a chance on the amount to be netted.

Grisman is now operating four Broadway houses. He was coupled with Harry Oshrin and Jack Kirkland in the Forrest where 'Tobacco Road' is spotted but is said to have sold his rights in the run drama and the house lease to the others. Grisman stated that it was principally a switch in managing 'Road.' He added that his agreement called for devoting all his attention to the play, but that too much time was required for other interests, such as the theatres and third circuit plan. His New York string consists of the Fulton, which has a hit, 'Oscar Wilde,' Windsor, Hudson and Belasco. The later spots opened and closed with early in-betweeners but two will relight this week.

FTP Clutches 'Chillon'

Los Angeles, Nov. 1. Plan to move 'Run Little Chillon' to San Francisco as a commercial venture is definitely off, according to George Gerwing, director of the Federal Theatre Project in Southern California. If it goes to Frisco it will be as a FTP production, he said.

Play is in its 15th week here, and it is estimated that 65,000 persons have viewed it since it opened at the Mayan theatre.

Jr. Playwrights Have Production Idea, But No Follow Through

Following the successful Broadway debut of the five Playwrights Co. with 'Abe Lincoln in Illinois,' followed by 'Knickerbocker Holiday,' a quintet of young dramatists got together and proposed forming the Playwrights, Jr. Young authors proposed to proceed along different lines than those of the senior group composed of Robert E. Sherwood, Maxwell Anderson, Elmer Rice, S. N. Behrman and Sydney Howard.

Principally agreed on was to present plays dated in the present, rather than with historical backgrounds used by the Playwrights; also to have nothing whatsoever to do with the managers. Youngest group addressed a letter to Robert Sherwood, whose 'Lincoln' jumped to the lead among dramas. He is said to have replied to the effect that their point was well taken, also to send along their scripts for possible production. Since then the juniors have done nothing about it, apparently having lost enthusiasm for the idea.

No secret that the Playwrights formed some managerial contacts, with Dwight Deere Wiman and Max Gordon said to have bought a minority interest. Reported, however, that a third showman came forth with \$35,000 needed to complete productions, in return for which there was a booking deal made in addition to a managerial percentage. Another story is to the effect that another manager with available houses was propositioned, but was unable to supply the required capital.

Playwrights refrained from joining the League of New York Theatres, but adhering to the ticket code.

BASCOM BROKE

George J. Bascom, former head of a ticket brokerage, filed a voluntary petition in bankruptcy Monday (31) in N. Y. federal court placing his liabilities at \$60,804 and no assets.

Biggest debts, totaling \$32,000, is for mortgages on his New Rochelle and Bridgehampton, L. I., homes.

25% WAGE CUT GIVES 'KNOW' A RESPITE

Provisional notice of closing 'You Never Know,' Winter Garden, New York, was taken down following the acceptance of a salary cut, agreed on after a session with Equity's cuts board. Understood the slice is 25%. Cast is topped by Clifton Webb, Lupe Velez and Libby Holman.

Cut becomes effective this week, management agreeing to continue the revue at least two weeks.

6 Shows Out

Heaviest closing list of the new season, totaling six attractions, all but one in the red, included four sudden departures last Saturday (29) and two announced off this week end. Costliest flop in the group is 'Knights of Song,' which played two weeks at the 51st Street.

KNIGHTS OF SONG

Opened Oct. 12, '38. Opinion of first nighters were divided on this, Lookridge (Sun), said, 'It makes a charming, merry evening.' Brown (Post): 'Knights is no more than a very superior ship's concert.' 'Variety' (Flin): 'Has every chance of attracting patronage.'

'Dame Nature' will try the road after six weeks at the Booth, takings during that period mostly coming from subscriptions.

DAME NATURE

Opened Sept. 26, '38. Couple of reviewers liked it, but most didn't. Anderson (Journal-American) said: 'It is what Dr. Woolcott doubtless would call rueful.' Whipple (World-Tele): 'On the whole it is entertaining. But not for the little kids and babies to see.' 'Variety' (Ibex): 'Limited engagement is indicated.'

'Case History' folded at the Lyceum after playing a week and two nights to lowest takings on Broadway this fall.

CASE HISTORY

Opened Oct. 21, '38. No dissenters here, all critics opined that it was a false start. Coleman (Mirror): 'Has some merit but not sufficient for a successful play.' Watts (Herald-Trib): 'It's just an error.' 'Variety' (Ibex): 'Will be short lived.'

'Missouri Legend' stopped suddenly at the Empire last Saturday, too, after six weeks. Fairly good start quickly petered out, with average takings around \$6,500, which was disappointing level.

MISSOURI LEGEND

Opened Sept. 19, '38. Opinions were split here with agreeable expressions overbalancing. Watts (Herald-Trib): 'Missouri Legend' is good fun. Atkinson (Times): 'Let us say the new season has been Whipple (World-Tele): 'It is not up to Mr. McClintic's standard as a dramatic work.' 'Variety' (Ibex): 'Season's first click is indicated.'

'Madame Capet' could not get past its first weekend, and dropped off the boards at the Cort after seven performances. Mild press and no biz.

MADAME CAPET

Opened Oct. 25, '38. This Eddie Dowling production didn't strike the fancy of the reviewers. Watts (Herald-Trib) labeled it 'a dull, stodgy and undramatic series of episodes.' Coleman (Mirror) said, 'It's a case of almost but not quite.'

'On Borrowed Time' is the exception, it being in its 40th and final week at the Longacre. Was among the best of last season's straight plays and netted goodly profits, averaging over \$14,000 until warm weather arrived.

Pittsburgh Columnist Claims Critics Of New York Are Too Leftist

Milwaukee Strawhat Into Winter Quarters

Garden Players, having safely survived a strawhat season, are to have a permanent theatre for their stock productions. Group consists mainly of amateurs, although some have done pro work. Stanley H. Druck handles the directing, with assistance from Chet Holway.

Group plans to do a play each month, teeing off with Elmer Rice's 'Adding Machine' Nov. 17.

Mercury Paying Full Salaries on 2 Shows For Extra Rehearsals

Further postponement of 'Danton's Death,' slated to open the Mercury Theatre group's second season, and now due to debut at the former Comedy, N. Y., tonight (2), puzzled those in show circles. Cast went on full salary last week, having overplayed its rehearsal period.

Mercury's 'Too Much Johnson' people also have been getting full pay for some weeks, show being due to alternate with 'Danton,' and it is the first time for a managerial or production group to have a roster of full salaries in two attractions prior to premiere.

At least part of Mercury's financing is coming from Orson Welles' radio earnings, that being emphasized Sunday night (30) over WABC when his vivid dramatization of H. B. Wells' 'The War Of The Worlds' was so effective that thousands of people in New Jersey and other states believed that a major casualty had occurred.

'Danton' was reported unfavorable after a number of preview performances, which may be one reason for setting the opening back. Understood that Welles has a comparatively small part. Drama was done here at the Century (razed) in German in December, 1928, under the title 'Danton's Tod.' Production was staged by Max Reinhardt and was notable for its mob scenes.

Mercury has not decided on other activities scheduled for this season. Included is a play for Burgess Meredith, who was paid \$1,000 in advance salary upon signing his contract. Meredith is currently on the Coast doing picture work.

Controversial WPA Play To Preem in Newark

Newark, Nov. 1. 'Created Equal' by John Hunter Booth, author of 'The Masquerader,' for Guy Bates Post, will be the first production of the WPA Federal Theatre of New Jersey this season. It is scheduled for the Newark Opera House (formerly the Orpheum) Nov. 12 for a limited engagement.

'Created Equal' caused comment recently when a greater part of the company rebelled against both the play and the director claiming play was un-American. Another group retorted with the statement it was pro-Roosevelt. Director was removed after the protest and some changes were made in text of play.

There are 90 in cast and special music was composed for it by Elie Segmester.

Pix Hold Own

(Continued from page 13)

son are making Spanish-language features in the east and in Hollywood to attract added business in that territory. This is the real tip-off as to the upturn in these nations, because it means that producers here are willing to sink coin into additional productions and still think they can show a profit in that territory.

Idea that no market outside of America is so small that it can be overlooked is the policy maintained by most successful firms distributing in the foreign field.

Pittsburgh, Nov. 1.

Blast against New York reviewers by Heywood Brown recently had a local echo last week in the 'I Dare Say' column of Florence Fisher Parry in Pittsburgh Press. Followed newspaperwoman's return from Broadway after a show-shopping tour and referred specifically to the Manhattan critics' damning of Maxwell Anderson's 'Knickerbocker Holiday.'

Mrs. Parry charged that boys stubbornly refused to give any show a break unless it had Leftist tendencies, writing in part: 'I suspect the New York critics on an unconscious resentment that their erstwhile brother, Maxwell Anderson, turned "capitalist" on them and dared to puncture the folly and excessiveness of the New Deal with his deadly and uncompromising pen. In a pet, they let themselves lose sight of this superb workmanship, its incisive literature and, more shameful still, did not accord its brilliant score the praise that even a lay ear would recognize as its due.'

Columnist was particularly peeved by the rave on the other hand, for Robert E. Sherwood's 'Abe Lincoln in Illinois,' which she termed inferior to 'Knickerbocker Holiday.' She noted, she wrote, that 'in the reviews of 'Abe Lincoln,' the critics and other Manhattan newspaper commentators seemed to take especial delight in those passages of the play that could be interpreted as an apology and a defense for the leftist excesses of our political today.'

She concluded that 'hereafter I shall sprinkle heavily with salt the drama pages out of the metropolis. For I suspect them of a lamentable leaning to that which, in theatre-fare, coincides most closely with their own political and social sentiments, and by the same token I suspect them of antagonism to that which, on the stage, puts their own social sympathies to rout.'

Up until a year ago, Mrs. Parry, a former actress, was a critic herself on the Press, sharing the reviewing duties of both films and plays with drama ed, Kaspar Monahan. At that time, however, following a flare-up with the management, she was removed from the theatrical page and confined to her regular daily 'I Dare Say' column on the first page of the second section. She still contributes a Sunday theatre column, but only on matters of general interest. Reviewing for Press is all done exclusively by Monahan now.

Her praise for 'Knickerbocker Holiday' was unstinted. Mrs. Parry called it 'the most intelligent and brilliant play of the season.'

Bannister Admits He Ows Ursula Jeans \$1,850 Back Salary

Harry C. Bannister, former husband of Ann Harding, picture star, filed a confession of judgment yesterday (Tues.) in N. Y. supreme court for \$1,850 in favor of Frank Gillmore, head of Actors Equity, as assignee of Ursula Jeans, London actress.

The debt is an outcome of Bannister's attempt as a producer in 1932. Bannister and the Harbon Productions, Inc., booked the actress to play the lead in a play Bannister planned to produce, titled 'Late One Night.' The contract guaranteed Miss Jeans first class passage from Los Angeles to London and \$900 weekly for not less than four weeks. Her fare was paid from the Coast to New York and she was paid two weeks' salary when informed the show was off. She instituted suit for the balance of \$1,850, including the price of boat fare to London. Later she assigned the job of collecting the money to Gillmore.

THIRD
OF A
CENTURY

B'WAY TUNE SHOWS COUR

Refugee Germans Believed Behind Movement for Intl. Actors Union

Movement to form an international association of actors and performers in all branches of the profession is being pushed from the headquarters of the International Artists League, Amsterdam, Holland. Those in back of the plan are believed former members of the Artists' League, German artists organization forced to leave that country when Hitler abolished unions.

While the IAL aims to extend its association internationally, understood that it would function principally in Europe. However, tie-ups with American actor-artists unions are hoped for. Aims of the IAL, which was proposed about one year ago, are set forth in English, German and French:

Article 1.—Name and Headquarters:

(1). The International Artists' Organization of all countries shall be called the International Artist League (IAL); its headquarters shall be at Amsterdam (Holland), or such other place as may be determined by the executive committee.

Article 2.—Objects and Means:

(2). The objects of the International Artists' League are the linking up of national artists' unions into a strong international federation in order to:

Safeguard internationally their interests. Fight against abuses prevailing in the profession in the interest of the artists; the common well-being of the artists all over the world; promote international solidarity.

(3). The League shall endeavor to attain the above-mentioned objects by: Establishing agreements between the various national organizations; establishing and strengthening organizations in those countries where artists' organizations do not exist, or where they are in a weak state, fostering attempts at amalgamation in those countries where more than one organization of artists exists, in order that in each country one organization of artists may be formed; compiling data with regard to salaries and conditions of engagement of artists in the various countries; compiling data with regard to legislation existing in the various countries which applies to artists.

Publishing an information bulletin in the various languages; organizing mutual moral and financial assistance in case of dispute; taking international steps with a view to combating unemployment among artists; taking measures to strengthen the international character of the work of its members; promoting international legal representation and legal aid; maintaining regular contact with the international organizations of allied professions; submitting requests and appeals to international

(Continued on page 57)

REFUGEE GROUP PLANS VIENNA PRODS. IN N. Y.

New legit group, to be known as the Refugee Artists Theatre and composed of former Viennese actors, directors, musicians and playwrights now living in New York, has been formed to present plays that were successful in Austria before the Anschluss. Sponsors of the group include Albert Einstein, Maurice Evans, Rev. John Haynes Holmes, Fannie Hurst, Elmer Rice, Robert E. Sherwood, Sholem Asch, Stanley M. Isaacs, Blanche Yurka, Walter H. Liebman, Jacob R. Schiff and Ludwig Lore. John V. Greenblatt is manager of the organization.

All members of the group were formerly associated with the noted Kleinkunstbühne, successful state venture in Vienna which finally closed its doors after the Nazi takeover of Austria. Shows will be given in a small theatre, and audiences will be seated at tables, where refreshments will be served during performances. There will be no star system in the group, all members participating on an equal basis.

'Lincoln' Has B.O.

Continuous boxoffice line averaging 30 persons is the unusual sight at the Plymouth, New York, where 'Abel Lincoln in Illinois' is playing to turn-away business. Observers say that no similar display of theatre-goers has been noticed during the past dozen years. Lowest priced tickets have been sold until the first of the year, but tickets are on sale for nine weeks in advance. No estimate of possible number of agency diggers in the line, but the number of tickets sold direct at the b.o. is claimed not likely to materially curtail the allotment to brokers. Steady line is in evidence also at the St. James, which has 'Hamlet'.

Plymouth b.o. staff is on duty throughout the day, with a girl assigned to answer the phones.

YOU ALL CAINT DO THAT TO US, GAL

Helen Claire, who won the limelight through her performance in Clare Boothe's 'Kiss the Boys Goodbye' at Henry Miller's, New York, has been given considerable attention by the press in southern cities. An Atlanta paper ran an editorial proudly hailing her as a 'true daughter of the South,' actress hailing from Union Springs, a small town in Alabama. However, a quotation from an interview which appeared in a metropolitan daily roused the ire of other editors beyond the Mason and Dixon line.

The Richmond, Va., Times Dispatch reprinted part of the 'offending' yarn with editorial comment, the story being headed, 'Star From Alabama Disparages South.' Interview which appeared in N. Y. World-Telegram was written by Edd Johnson. In effect, it quoted Miss Claire as saying southern men were so polite and chivalrous that they bored her and that she 'would not go back there (the south) to live if they gave her the place.'

Actress was surprised at the Johnson story and denied making the remarks, telegraphing the Richmond paper that she had been misquoted. Brock Pemberton, who produced the play, also wired the paper a denial and his press department has been sending similar word to other southern publications. Manager claims that the play, which tells of the rise of a 'cracker' girl to histrionic fame, has a distinct draw from visitors from that territory.

According to the manager's staff, Miss Claire was bewildered by the 'Knights of Song' interview and got her story after the show clicked and that she really didn't talk at all. Staff claims that Johnson's story was mostly based on his own imagination.

Schwab Settles McGuire's 'Knights' Salary Claim

Claim of two weeks' salary by John J. McGuire, who was slated for 'Knights of Song,' was paid off by Laurence Schwab, show's producer. Matter had been carried for arbitration, but the manager sent his check to Equity, electing not to defend the claim.

Understood there was a mix-up in the actor's contract, which was supposed to carry a rider eliminating the probationary period, which is not permitted by Equity rules.

ONLY 2 OF 6 NEW MUSICALS IN COIN

'Hellzapoppin' Clicks, but Some Others Among Early Incomers Doubtful of Recapturing Production Costs — 'Knickerbocker Holiday' Looks an Exception

'KNIGHTS' TOTAL LOSS

The season's musical crop to date is distinctly disappointing. Several which represent heavy production costs are believed to be irretrievable so far as earning back the amounts invested. Otherwise, Broadway is away out in front of last season, the month of October seeing the arrival of half a dozen successes, whereas last fall the first standstill did not open until November.

Staffs of producers appear to have whistled to root in shows which thus far have failed to draw, as judged from claims on grosses that nearly doubled the actual intake at the boxoffice. The actual figures were so low that the producers acknowledged they had flops on their hands. There have been six new musical shows presented, but only one is a solid success, while another should score.

'Hellzapoppin', which cost the least, is the sock hit. Estimated production cost runs around \$35,000, considerably less than half the cost used to get 'Knights of Song' on the boards at Warner's hard luck house, the 51st Street, also called the Hollywood. 'Knights', which was favorably reported from St. Louis, where it was tried out in the open air, may represent \$84,000 by the time it opened.

'Knights' Out

First week the gross was \$7,500, on of the lowest draws yet registered by a major musical. Loss on initial week's operation was \$8,000 and Lawrence Schwab, its presenter, ordered the show off, it having folded Saturday (29). Understood that the backing was nearly all provided by the producer and Oscar Hammerstein, II.

'Sing Out The News,' at the Music Box, has improved somewhat, but takings have not been up to expectations. It too, was touted a sure thing when trying out in Philadelphia. 'News' production, plus road losses, is said to have cost \$152,000. Max Gordon produced the show with Marcus Heiman a silent partner, but George S. Kaufman and Moss Hart are co-producers.

Kaufman-Hart Investments

Stated that the Kaufman-Hart duo is not so keen in splurging further in a managerial way, although they are also in on 'The Fabulous Invalid,' virtually a musical show which cost over \$80,000 to present. Sam H. Harris being the manager. 'You Never Know,' a Shubert attraction at the Winter Garden, is one of the musicals regarded as being unlikely of recapturing its production outlay. It is reported to have cost \$150,000, but it is not long on settings. Show was toured last season, with operating losses in some of the stands.

'Knickerbocker Holiday,' second attraction by the Playwrights, is not a costly musical, approximate expenditure being around \$50,000. It is the newest musical arrival and is rated having a good chance at the Barrymore, where it is credited having topped \$18,000 last week. While that gross is not exceptional for a \$4.40 top musical, the house is comparatively limited for that type show.

Opinion along Broadway is that musicals can draw profitably though not in the same measure of former seasons. It seems to be the opinion providing the proper stage fare as with straight shows, and most of the

Besides Nixing Higher Commish, Equity Now Plans Agents Monthly Reports

Spotlighting Selves

Worklight Theatre, composed of younger players of professional Broadway experience, starts rehearsals in about a week of Roy Hargrave's 'House Party' under the direction of Alan Brock.

Play will be given before a professional audience early in December. Actors are financing the production with their own coin, each putting up \$35. Idea is to be seen by managers, agents, etc.

Broadway legit casting agents, who came forward with proposals that Equity boost commissions and adopt rules favoring their organization, will probably find the regulations more stringent than heretofore. The turnaround came as a surprise to the casters, who had won favorable consideration from a minority of the council. Agents said they would welcome tightening of the rules provided concessions were accorded, but hardly along the lines that Equity proposes to effect.

A committee assigned to the agency rules was instructed to incorporate one regulation which will require casters to file a monthly report to Equity, setting forth the engagements they secured for players they represent. This regulation is the reaction to the casters' contention that they are unable to profitably conduct offices at the current commission level because there are too few stage jobs.

Agents will be required to state in detail the players placed, with the shows designated, salaries obtained and the amount of commissions. Equity automatically becomes aware of salaries because of its general rule that all contracts be in triplicate, one copy being supplied by managers to Equity. Its agency system has not called for check-up on the casters heretofore.

Agents Get Too Much? No secret that some Equity leaders view agency practices reprehensively if not with suspicion, and question the agencies' right to collect as much as they do for the services given. That particularly applies to engagements they secure outside the legit field. Agents' reports will not furnish complete total of earnings, since engagements secured in radio, pictures, night clubs and other jobs will not be included, Equity not covering such entertainments.

Monthly reports are expected, however, to bring out data upon which Equity may base new rules, or revise those in force. Equity may decide there are too many casters and, if so, permits of some will be dropped. Several leading agents indicated that this move will probably come. Last week, however, two new permits were issued, but at the same time it was announced that eight were dropped.

Identities of those whose permits were withdrawn were not disclosed, Equity explaining that until they were formally notified through its legal department, none of the ruled off would be impounded. Stated that the reason for the let-outs is inactivity of those involved.

TMAT ELECTION AWAITS CHARTER RATIFICATION

After some delay, the final revision of the Theatrical Managers, Agents & Treasurers union's charter were mailed to all members last week for ratification. Deadline for the receipt of ballots has been set for Nov. 14, at which time the votes will be counted. Since the charter revision was whipped into shape without objection, after a quarrelsome first session, it is expected the document will be adopted with few dissenters.

Annual election will be dated about three weeks after the ratification is verified. Stated that no candidates have been chosen for this week's selections for the board were being mulled over.

TMAT will hold its first social affair in New York, Nov. 20, at the Astor hotel, an entertainment and ball being scheduled at \$2 admission.

'Torch Bearers' Revived

Los Angeles, Nov. 1. Constance Collier gets the top role in George Kelly's old legit play, 'Torch Bearers,' opening Nov. 11 at Santa Barbara. In the cast are Maude Eburne, Clay Clement, Florence Shirley, Walter Bond and King Kennedy.

EVANS' 'HAMLET' NOW ENTIRELY MARATHON

The abridged versions of 'Hamlet' have been dropped by Maurice Evans and the full length play is now being given nightly at the St. James, New York. There were several switches in the playing schedule, which is now set until the end of the engagement, dated to terminate Dec. 17. Up to now, the shorter version on Saturday night was found to be the weakest draw, which was the reason for the change.

Saturdays the full-length performance will also be given in the afternoon, starting at 1 o'clock. Instead of playing Wednesday afternoon, the performance will go on at night (6:30 start). That night had been dropped up to now. When the boxoffice advised patrons that the full-length performance would be played Saturdays, business on that day started perking up and the best gross since the opening is expected this week.

Stagehands for 'Hamlet' are now drawing the highest wage in New York, union having decided that the full-length version constituted two performances. Provisional closing notice was posted before the show opened, when the crew originally made that demand. There was a compromise, with the deckhands accepting a temporary arrangement calling for two hours overtime pay, or more than \$10 per day.

Under the two-performance ruling, cleaners and grips are getting \$12 weekly, said to top the salaries of most of the players. Show and house management protested and are reported, appealing to George Browne, head of IATSE. Understood, however, that the IA does not interfere with wage rulings made by its locals.

FTP MOVES GERWING FROM L. A. TO WASH.

Hollywood, Nov. 1.

George Gerwing was moved to Washington by Federal Theatre Project. Post of southern California director, which Gerwing held for past 10 months, is reported being offered by Mrs. Hallie Flanagan to James Ullman, aide to George Kondolf of New York project.

Removal of Gerwing is believed a forerunner of a shakeup in local FTP executive forces.

season's musicals have not been possessed of what it takes to draw. None have been able to match the pace of 'I Married an Angel,' which opened last spring and leads the Broadway list. Nearest to 'Angel' is 'Hellzapoppin'.

Plays Out of Town

Herod and Mariamne

Pittsburgh, Oct. 26.

Katharine Cornell presents herself in a drama adapted by Clemence Dane from the German of Friedrich Hebbel; directed by George F. Stone. Herod, played by Cornell, and Mariamne, played by Katharine Cornell, are the central figures. The play is a tragedy in three acts, set in the time of Herod the Great. The story is based on the Bible, but with a more dramatic and emotional treatment. The play is a masterpiece of dramatic writing, and the performance is a triumph. The acting is superb, and the production is of the highest quality. The play is a must-see for anyone who appreciates great drama.

Katharine Cornell and her husband-director, Guthrie McClintic, are both well-known names in the theatre. Their selection of 'Herod and Mariamne' is a bold move, as it is a play that has not been staged in America for many years. The production is a masterpiece, and the performance is a triumph. The acting is superb, and the production is of the highest quality. The play is a must-see for anyone who appreciates great drama.

Star has announced it for only 10 weeks on Broadway, but extremely doubtful of surviving even that long. Cornell prestige and all. Bad plays have stood up through the years, but in the past, not Herod and Mariamne, however. It's such a rigid pageant that nothing she can do over brings the show to life. Play is clearly writing is stolid and insecure, and acting is definitely out of the lower drawer.

Nobody ever cares much what happens to Herod, Mariamne and the others. There isn't any real life in their veins or authority in their actions, and even McClintic, shrewd stage director that he is, hasn't been able to counteract in his handsome production, to substitute for an incompetent play. Not a semblance of dramatic order to the piece and it staggers through two long, windy acts just as an ill-assorted pamphlet of Biblical briefs.

Miss Dane's the chief offender, though hardly the only one. Playing for the most part, too, is stagnant, although with a few exceptions. There could do much with 'Herod and Mariamne.' Major disappointment is Fritz Kortner, exiled German actor, making his American star debut as Herod. He is a fine actor, and his scenery-chewing Continental accent, flailing his arms, twitching his fingers, bobbing his head around and so on, is a little bit of a nuisance. He is a fine actor, and his scenery-chewing Continental accent, flailing his arms, twitching his fingers, bobbing his head around and so on, is a little bit of a nuisance.

Play offers Miss Cornell fewer opportunities than she's had in years, and her only opportunity comes in the final scene, when she is to die. But by that time it's too late. Confusion of 'Herod and Mariamne' in general obviously extends to its star as well, for she's far from at her best and tends to lose plenty of prestige if she takes it to Broadway, unless some miracle is worked, which hardly appears possible.

In her adaptation, Miss Dane has relieved the heavy Teutonic stuffiness of the original, and whole thing is a feeble effort to capture deep vein of classic tragedy. She adheres pretty loosely to historic facts, showing Herod as a jealous ruler who refuses to believe Mariamne can be faithful to him. Twice he orders trusted lieutenants to slay her, but she should be spared from a conference with Anthony in Egypt and later from battle with the Arabian tribes.

Each time Herod returns safely and slays her desired, and she is spared because he believes Mariamne has seduced them. Third time Herod's perfidy is too much for her. She deliberately plots her own doom, causing Herod to believe she is erroneously, his own worst suspicions, knowing that he will do the same thing over and over again every time he goes away.

Herod then orders her to be buried in a packed casket on charges of unfaithfulness and dishonor, with instructions to his juries to find her guilty. Only after the burial of Herod, Herod learns from Titus that Mariamne was a virtuous wife, and when word comes that a greater king has been found that day in a man-r at the time, Herod leaves Herod proclaiming his own

power and ordering the historic 'Slaughter of the Innocents.'

There may be the makings of a great tragedy in 'Herod and Mariamne,' but the Dane-Hebbel work is certainly not it. It is shallow, treatment of the whole thing is colorless and sluggish, moving at a snail's pace and never working up any dramatic fire or action. At times, it resembles Tallulah Bankhead's ill-fated production of 'Antony and Cleopatra' last summer.

Best job among the supporting players is turned in by Florence Reed, as Mariamne's mother, plotting with the Romans to take Herod's crown away from him. Kent Smith and McKay Morris are satisfactory, too, but not to their usual standard. Remainder of the cast is a mixture of just pretty good and bad. Production itself is rich and luscious, with costuming and lighting all done attractively, but it is not making the play's multiple weaknesses.

'Herod and Mariamne' is scheduled for four additional weeks on the road, and may improve a bit, but hardly enough to insure any sort of run. It's weak, and for a star of Cornell's calibre, a major calamity. Cohen.

SORORITY HOUSE

Denver, Oct. 30.

Comedy in three acts, six scenes, by Mary Doyle Costello, set in the time of the American Civil War. The play is a comedy, and the performance is a triumph. The acting is superb, and the production is of the highest quality. The play is a must-see for anyone who appreciates great drama.

In a satire on sorority rushing as practiced at the University of Maryland, Coyle Chase has displayed an accuracy of observation as its author, and has woven in plenty of comedy and sufficient drama to make it well worth producing.

Deals with rush week, with the principal rushee, Betty Jane Preston as Alice Wycoff, doing a top job.

Shows in Rehearsal

'Kingside Seat'—Rufus Phillips.

'Gloriana'—Theatre House, Inc.

'Good Hunting' ('Blow, Bugle, Blow')—Jerome Mayer and Leonard Field.

'Hush—Oscar De We Go From Home'—Oscar Hammerstein, II, and Dwight Taylor.

'American Landscape'—Playwrights.

'Rocket to the Moon'—Group.

'Blackbirds'—Lew Leslie.

'Henry IV'—Maurice Evans and Joseph V. Reed.

'Hardwick and Myers'.

'The Flying Ginsburgs'—Vinton Freedley.

'Too Much Johnson'—Mercury.

Plays on Broadway

MADAME CAPEL

Drama in three acts (40 scenes), adapted by George Middleton from the French of Marcelle Maurette. Stars Eva Le Gallienne, George F. Stone, and Philip Huxton. Musical arrangements by Lehman Engel. Presented by Eddie Dowling as Court. Oct. 25, '38, to Oct. 28, '38, to Oct. 31, '38, to Nov. 4, '38, to Nov. 7, '38, to Nov. 10, '38, to Nov. 13, '38, to Nov. 16, '38, to Nov. 19, '38, to Nov. 22, '38, to Nov. 25, '38, to Nov. 28, '38, to Dec. 1, '38, to Dec. 4, '38, to Dec. 7, '38, to Dec. 10, '38, to Dec. 13, '38, to Dec. 16, '38, to Dec. 19, '38, to Dec. 22, '38, to Dec. 25, '38, to Dec. 28, '38, to Jan. 1, '39, to Jan. 4, '39, to Jan. 7, '39, to Jan. 10, '39, to Jan. 13, '39, to Jan. 16, '39, to Jan. 19, '39, to Jan. 22, '39, to Jan. 25, '39, to Jan. 28, '39, to Feb. 1, '39, to Feb. 4, '39, to Feb. 7, '39, to Feb. 10, '39, to Feb. 13, '39, to Feb. 16, '39, to Feb. 19, '39, to Feb. 22, '39, to Feb. 25, '39, to Feb. 28, '39, to Mar. 1, '39, to Mar. 4, '39, to Mar. 7, '39, to Mar. 10, '39, to Mar. 13, '39, to Mar. 16, '39, to Mar. 19, '39, to Mar. 22, '39, to Mar. 25, '39, to Mar. 28, '39, to Apr. 1, '39, to Apr. 4, '39, to Apr. 7, '39, to Apr. 10, '39, to Apr. 13, '39, to Apr. 16, '39, to Apr. 19, '39, to Apr. 22, '39, 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Inside Stuff—Legit

Ticket sales on 'Amphitryon 38,' current at the Chestnut, Philadelphia, took a sudden spurt last week after State Senator George Woodward got it a lot of front page publicity by blasting the Philadelphia Forum, of which he is a member, for sponsoring such a 'demoralizing play.' Forum has a deal with the Theatre Guild by which its members receive seats to Guild productions.

Beefing to William K. Huff, Forum manager, Woodward wrote of the Lunt vehicle: 'It's the irony of fate that the Forum, distinctly an uplift organization, should subject its members to this unmoral influence.' Senator's squawk was greeted derisively, however, by other Forum members. Mrs. Meyer Davis, frau of the maestro, declared publicly that it didn't shock her morals and was backed up by Dr. Russell Doubman, of the U. of Pennsylvania.

Barry Thompson, who plays Amphitryon, has only a walk-on in 'The Sea Gull.' Rather than take billing for the small part, Thompson decided to adopt an appropriate Russian non-de-theatre for the Chekhov drama. Company got together and christened him George Suppin. Tag in reverse reads 'Nip ups.'

Although reported being rewritten after trying out, it is questionable that 'Window Shopping,' also known as 'In Garfinkle's Window,' will be displayed on Broadway. Play, which brought George Sidney back from Hollywood, regarded as monologic for him, was written by Louis E. Shechter and Norman Clark, former putting in about \$2,500, while a maker of skin lotions went for the balance of the \$14,000 that was spent on the show, presented by Thomas Kilpatrick.

Femme lead was played by Gerta Rozan of Vienna, who came here to play in the Yiddish 'Brothers Ashkenazi.' Understood she withdrew from that show after a short period.

Monty Woolley, who now holds an Equity and SAG card, used to be a Yale prof, and among his pupils, also now in the theatre, were Cole Porter, Worthington Miner, George Abbott and Dwight Winman. This circumstance is paralleled in the cafe field by John Roy, managing director of the Rainbow Room, who in the past tutored John Hoytsrad and Ben Cutler, in their pre-Yale classes, and later employed them at the Rockefeller niter. It was because of Roy's tutoring of Nelson Rockefeller that the ex-educator came into the Radio City project, on the reality end, and thence into the cafe project.

A barbed wire barrier has been strung above the picket fence that separates the stage entrance of the Barrymore, N. Y., and an alley which leads from 47th to 48th streets. Alley is an exit for that house and the Longacre, theatres being back to back.

During the summer there were a number of dressing room thefts reported, particularly at the Longacre. Suspected that youngsters and others scaled the fence and climbed the Longacre freescape, in that way reaching the dressing rooms.

A bronze memorial tablet in memory of Margaret Smith has been placed in the main office of Equity's New York quarters. Reads: 'Dedicated in appreciation of her many years of loyal, unselfish devotion to Equity and the interests of its members. Died May 11, 1938.'

Miss Smith was active in making WPA contacts for Equityites last season. Previously she was in charge of social events of the association, including the annual ball.

Clifford Odets, with Group Theatre chiefs, was in Boston all last week on preliminary production plans for 'Rocket for the Moon,' which goes into rehearsal in New York this week. 'Rocket' is a romantic play, sans leftish propaganda. Irwin Shaw is also readying one along romantic lines to star Sylvia Sidney and Franchot Tone. This is one of three pieces by Shaw now being mullied by Group Theatre, and Odets is slated to have another ready during the season.

Percy Burton, English showman whose book agent stage turnaries, entitled 'Adventures Among the Immortals' as 'told to Lowell Thomas,' is attracting more attention over there than here, returned to New York last week commissioned to write another book about show people.

Forthcoming volume, however, will be concerned with the film end and Burton is slated for Hollywood to secure additional material. New book will not be a collaboration.

Some of the Sam H. Harris staff scheduled to move to the Center, N. Y., where the Moss Hart-George S. Kaufman historical cavalcade will be presented, will not take quarters there until the first of the year. Currently all space is being occupied by the technical staff assigned to the show, which will be staged by Haggard Short, although Kaufman is slated for the directional job.

Julien St. Charles Chaqueneau, who presented 'Waltz in Goose Step' at the Hudson, New York, Tuesday (1), is another with socialite background to join the managerial ranks. He's no stranger to show biz, however, being associated with Myron Selznick's New York office. He is wed to Kay Leslie, prominent in the Park avenue set, who had some stage experience, having appeared in an Arthur Hopkins attraction. Latter is staging 'Goose Step.' New manager is generally called Jack.

Jane Wyatt finally got top role in forthcoming 'Lorelei' because author, Jacques Deval, demanded that part be given to an American girl after three foreign actresses had not panned out. Lulu Desti and Rose Stradner had been rehearsing, along with author's wife, Elsie Argal.

Miss Stradner has left for Hollywood and a Columbia contract, while Miss Desti is returning to Europe. Late Tuesday it had been reported that Doris Nolan was replacing Miss Wyatt for fifth change.

TAC CLUBROOM PLAN SUBMITTED TO EQUITY

Theatre Arts Committee plan for a clubroom and recreation center in the Times Square area for actors was submitted for approval yesterday (Tuesday) to the Equity council. Committee was appointed to study the proposal and report back to the council.

Consists of Walter Greaza, chairman; J. Malcolm Dunn, George Heller, John Lorenz, Mary Morris, Katharine Warren and Paul Dullzell. TAC has optioned a five-story building to be converted into a center and meeting place for actors and professional workers in the theatre. Plan is to open it Dec. 31.

Future Plays

'Fair Enough,' a musical satire on the World's Fair, with book and lyrics by Milton Lazarus and Frank Gabelson, is sketched to open at the Winter Garden Jan. 1, sponsored by Alex Aarons in association with Lee Shubert.

'No Time for Comedy,' a new play by S. N. Behrman, is slated to follow Elmer Rice's, 'American Landscape,' as the Playwrights' fourth production of the season.

'Glorious Morning,' a drama by Norman Macdonald, is slated for production by Oscar Hammerstein, II, following 'Where De We Go From Here.' Play was originally shown in London.

Current Road Shows

(Week of Oct. 31)

'Amphitryon-Sea Gull' (Lunt and Fontanne); Chestnut St., Philadelphia.

'Boys From Syracuse' (Jimmy Savo); Shubert, New Haven, Conn. (Nov. 3-5).

'Elohom Time', Grand Opera House, Chicago.

'Brother Rat', Ranger, Philadelphia.

'Front Page', Queensboro, Elmhurst, L. I., N. Y.

'Golden Boy' (Luther Adler-Frances Farmer); Plymouth, Boston.

'Great Lady' (Tullio Carminati-Irene Bordini-Norma Terris); Forrest, Philadelphia.

'Heard and Miriamme' (Katharine Cornell); Cass, Detroit.

'I Am Different' (Tallulah Bankhead); Cox, Cincinnati.

'I'd Rather Be Right' (George M. Cohan); Nixon, Pittsburgh.

'I Have Been Here Before' (Wilfred Lawson); Royal Alexandra, Toronto.

'Leave It to Me' (Victor Moore, William Gaxton); Shubert, Boston.

'Lightnin' (Fred Stone); Colonial, Boston.

'Milk and Honey' (Mabel Normanby); Shubert, Brooklyn.

'Of Mice and Men', Selwyn, Chicago.

'Pins and Needles', Memorial Auditorium, Louisville, Ky. (31); English, Indianapolis (1-2); Hartman, Columbus, O. (3-5).

'Red Bumble Bee', Curran, San Francisco.

'Shadow and Substance' (Sir Cedric Hardwicke); Wilbur, Boston.

'Susan and God' (Gertrude Lawrence); Harris, Chicago.

'Tobacco Road', Lyric, Richmond, (31-Nov. 2); Academy of Music, Brooklyn, Va. (3-4); Colonial, Bluefield, W. Va. (5).

'What a Life', Hanna, Cleveland.

'Whiteheats' (Ethel Barrymore); Locust St., Philadelphia.

'Women', Palace, Flint (31); Temple, Saginaw (1); Gladner, Lansing (2); Keith's, Grand Rapids (3); State, Kalamazoo, Mich. (4); Strand, South Bend, Ind. (5).

'Yankee Fable', National, Washington.

'You Can't Take It With You', Davidson, Milwaukee.

WPA'S 'SUPPER' WON'T OPEN TILL MID-DEC.

Upon the recent closing of WPA's 'One Third of a Nation,' Adelphi, New York, there was an order to dismantle the setting. Order is reported to have been countermanded, but when it was pointed out that the theatre was required for rehearsals of 'Sing for Your Supper,' which has been preparing for about a year, work of removing the towering set was started. Because of the limited number of hours permitted stage hands on the relief project, the task was said to have not been completed until late last week.

House will remain dark until 'Supper' opens, tentatively the middle of next month. Directors said that much time will be required, because WPA cannot send its shows out of town for try-out and final weeks of rehearsals will be held with the sets' settings.

Stated that the plan broached by Equity to 'bank' hours of work, or rehearsals, to the credit of professionals who are detained on the job more than eight hours per day, became effective five weeks ago.

Refugee Actors

(Continued from page 55)

authorities; holding international congresses and conferences.

(4) All professional artists' organizations who adhere to the standpoint of international collaboration on the lines of these rules shall be eligible for membership to the IAL. An organization desiring admission shall make written application for same, and submit a declaration that it undertakes to recognize the rules and decisions of the International League and regularly fulfill its financial obligations.

(5) The executive committee shall decide concerning the admission of an organization; if in a certain country already one artists' organization is affiliated with the International League, then the admission of a second artists' organization can only be effected with the consent of the organization already affiliated. In case of doubt, the executive committee will make the final decision.

(6) If an organization is refused admittance, it is entitled to appeal to the next International Conference of the IAL.

League Denies It Will Drop Ticket Code; ATTA Formulating New Attack

PRINCETON U. REVUE TAKING WIDE ROUTE

Trenton, Nov. 1.

Princeton has mapped the most extensive tour in the 50 years' history of the Triangle Club for this year's half-century anniversary revue, 'Once Over Lightly,' now in rehearsal. Latest undergraduate opus is the work of three seniors, Robert M. McClung, '38, of Butler, Pa.; Richard B. Uhl, '38, of Kingston, Pa.; and Alexander H. Lehmann, Jr., '38, of New York.

Revue makes its bow at the McCarter, Princeton, Dec. 8-10. Then appears in N. Y. on Dec. 16-17, and from there it goes to Philadelphia for one show Dec. 19. After stopping at Baltimore following night, troupe heads west for Chicago, where it plays Dec. 27. Following nights see the Princetonians in St. Louis, Detroit, Pittsburgh and Cleveland, with final performances in Newark and Trenton, Jan. 4 and 5, respectively.

Not All 'Boy' Players Back from London, So Equity Holds Off Action

Although several members of the London 'Golden Boy' cast have returned, others are still overseas sightseeing and expected claims for salaries, understood not to have been fully paid from money sent by Equity, will be considered by the latter when the entire company is on hand. At that time, too, Equity will hear the players' side of their failure to follow the association's order to close the show, which continued one week further.

Robert Goldstein had the London rights, through a deal with the Group Theatre which produced the play. London presentation was made under the direction of O'Brien, Dunphy & Linnett, firm claiming several thousand dollars being due from Goldstein, which may explain the trio's insistence on playing the extra week.

Reported that Lillian Emerson, who played the femme lead in the London 'Boy,' provided the backing through which Goldstein operated. Miss Emerson, who is due back this week, is said to have sent \$400 in transatlantic telephone calls to Goldstein, principally requests that he return to London and straighten out the show's affairs. Actress was several times reported to be the heiress of the Bromo-Seltzer fortune, but it was denied.

Original Broadway cast opened in London and during the period they played 'Boy' flourished. When replacement players were substituted, business is reported to have steadily dropped.

INA CLAIRE MAY BOW OUT OF 'YANKEE FABLE'

Decision on whether to close 'Yankee Fable' after this week's engagement in Washington was still in the air late yesterday (Tuesday) afternoon. It was reported in New York that Ina Claire might bow out of the lead part, but that was also uncertain.

Opening date of 'Yankee Fable' in New York is indefinite. Play is presented by Cheryl Crawford. Piece, by Lewis Meltzer, may be called back for rewriting, dependent on its showing in Washington. It was first called 'Generals Need Beds.'

Washington, Nov. 1.

National, Cap's only legit spot, struck first dark stanza of season last week and almost made it two when 'Yankee Fable,' sketched this week, was cancelled. Wire to local office, which was relayed to critics on Tuesday (Nov. 1), was followed Saturday by announcement that the show was back on. Idea was to withdraw it after Boston opening for revision, but sock advance sale in Ina Claire's home town swung producers to keep date here. Opening night reception was

With the League of New York Theatres issuing emphatic denial of rumors to the effect that the ticket code may be abandoned and claiming that the code is operating 75% successfully, also that enforcement would be strengthened, Broadway's ticket situation was enlivened through the past week. Saturday (28) the Associated Theatre Ticket Association, composed of most brokers except the big three (McBride's, Postal-Leblang and Tyson's), huddled to formulate objections to the code.

ATTA group charges that the most important feature of the code, so far as the public is concerned, is not working—the retention of 25% of tickets for direct sale at the box-offices. Agency group contends it will name certain theatres where new successes are housed and where few tickets are held for direct sale.

Instead of taking its side of the matter to the League, ATTA will apply to Equity, a meeting between the latter and a brokers' committee being slated this week. Contending that Equity is a party to the code and that it originated from that source, ATTA is hopeful that some concessions will be arranged through suggestion of the actors association.

Equity appears to be dubious about being credited with starting the ticket control system, wary of being legally involved. However, the adoption of the code by managers is the basis for Equity's asking for a year's basic agreement with the League. Equity appears to prefer placing responsibility for the code in managerial hands wholly.

A leading Equityite regards the ticket code as 'a noble experiment' and expressed belief that it is as difficult of enforcement as was prohibition. So far, the association has made no gesture one way or another as to the workings of the code and will probably await action by the League's enforcement committee to submit evidence of violations, before taking possible action.

\$1,500 From Brokers

Brokers paid from the league around \$1,500 during the first month, coin being the levy of three one-half cents per ticket and about half the agencies sold 50,000 tickets during that period. One major office held back payment for several weeks, probably figuring that if the code was dropped no money would have to be paid. Broker finally paid off after it was intimated that he might be charged with violating the rules.

It's contended that the weekly response sheets, which the League is supposed to fill out in detail and send the league with levy checks, constitute an unfair practice. An agency pointed out that if competitors learned the number of tickets sold for each attraction, the way for them to take unfair advantage would be opened up. League's committee regarded the complaint valid and the agency was advised it could bulk the number of tickets sold without specifying the quantity for each house and attraction. Understood other agencies will seek the same concession, should they not be advised that the change applied to all.

McBride's claim that it is owed \$500 by Brock Pemberton has not yet been cleared up, but the manager is not seriously concerned over the matter, repeating that the money was part of advance royalty on a show in which the agency would have been interested, had it been pre-empted. Pemberton thought the claim ill-timed, right after the success of his 'Kiss the Boys Goodbye' (Miller). Reported that McBride's is selling around 800 tickets for the show weekly, 'Kiss the Boys' therefore being credited with providing the agency with revenue of \$500 per week. Intimated that there is no competition on the manager's part to allot that many tickets to any agency despite distribution efficiency. Pemberton's show is not involved in the ATTA claim that the rightful percentage of tickets is not retained by certain boxoffices.

cool, and critics, except as regards Miss Claire, were plenty tough.

Next week brings Lunt and Fontanne in 'The Golden Boy' followed by Katharine Cornell's 'The Marianne' week of Nov. 14, and final pre-Broadway week of Tallulah Bankhead in 'I Am Different' starting Nov. 21.

WILLIAM MILLER
RKO Building, Radio City, New York

Premiere Cards Slow Up; 'Lincoln,' \$20,000, 'Hamlet,' \$17,000, Climbing, 'Wilde,' \$16,700, 'Kiss,' \$16,000, SRO

'Pinaflore,' Academy of Music, Gilbert and Sullivan company snatched out home run.

'Pinaflore,' Academy of Music, Gilbert and Sullivan company snatched out home run.

Canby Sells Sat. Review Holdings

Financial interest of Henry Seidel Canby in the Saturday Review of Literature has been disposed of by him with Noble A. Cathcart and George Stevens now the sole two stockholders. Under the altered management set-up of the literary weekly, Stevens replaces Canby as v.p. and Cathcart continues as prez and treasurer.

Canby continues as a contributing editor, along with William Rose Benet and Christopher Morley. Stevens is editor, with Amy Loveman associate ed.

Not generally remembered that the first prez of the Saturday Review was Henry S. Luce, the Time-Life Fortune emir. That was when Canby, editor of the old New York Evening Post's book section, the Literary Digest, decided to break away in 1924 and start a literary weekly.

The new Saturday Review of Literature was quartered with Time in an old converted brewery, subsequently moving to its present location. Another fledgling weekly in the same building was the New Yorker.

Stock interest of Luce and his associates in the Saturday Review was acquired two years later by Canby's group. Specific incident which led to the split was that Time, although its editorial offices were in New York, was published in Cleveland. Plane carrying editorial matter for a complete issue of the Saturday Review crashed in flames, and the literary weekly nearly missed that issue.

Upon Canby's insistence that the Saturday Review be published in New York, Luce sold him Time's interest, to publish it where he pleased.

Disposal of Canby's interest in the mag involves no changes in policy.

Authors Guild's Meeting

Members of the council to be elected at the annual meeting of the Authors Guild this afternoon (Wednesday) at the Midston hotel, N. Y., include Sherwood Anderson, Silas Bent, Latrobe Carroll, Octavus Roy Cohen, Mary Field Parton, Nathaniel Peffer, Carl Sandburg, Lyman Beecher Stowe, John W. Vandercook and Thyra Samter Winslow. Anderson, Bent, Stowe and Vandercook are incumbent members. Council numbers 30 members; 10 of whom are elected each year.

Henrik Willem van Loon, Guild president, will give his annual report and Knowles Entriakin, Radio Writers Guild vice-pres., and Sidney Fleischer, film-sales arbiter, will also speak. Among the subjects which the Guild has been studying for some time and which may be considered at the meeting are various "grievances" against magazine publishers, such as title changes without permission of the author, changes in scripts, delay in reporting and acceptance of scripts, delay in payment, question of purchase of serial rights or included in all rights, question of where an order can be considered an actual order, how definite a commitment can be obtained for an order talked over with an editor, rejecting of articles after extensive changes have been made, ideas turned down by editors and later written for the same magazine by other writers, payment of expenses for research and travel over and above payment for articles.

Annenberg-Stern Feud Spreads

That the bitter feud between J. David Stern, publisher of the Democratic Philly Record, and Moe Annenberg, publisher of the Republican Inquirer, had spread from politics to the business office of the two papers was indicated this week. Annenberg refused to sit down with reps of the Newsboys' Union and other papers, reputedly because Dr. Luther Harr, treasurer of the Record, was there representing Stern.

Although Annenberg actually made no mention of the Record at the confab with the Newsboys' organization, merely stating that he would "rather speak for himself" while not in the presence of other publishers, his action was generally attributed to his feud with the rival morning daily.

On the political front, the Inquirer has been given large front-page space to charges against Albert M. Greenfield, bigwig Democrat and Record stockholder, while the Record has been getting hunk by playing up results of investigations of Annenberg's connections with gambling houses through his Nation-Wide News Service, horse-race info wire.

Kase Vice Frayne On N. Y. Journal

Max Kase, former baseball reporter, is now sports editor of the N. Y. Journal-American, having succeeded Ed Frayne. During the sum-

mer a story in another daily connected Frayne and Bill Farnsworth with Mike Jacobs' fight promotions, they having previously represented Mrs. W. R. Hearst's Free Milk Fund for Babies, which received a percentage of the gate up to a year, or so, ago. Farnsworth, former sports vice-president of the 20th Century Sporting Club, which is Jacobs' incorporated fight outfit, Frayne has also joined up with the club, which headquarters at the Hippodrome.

At the time of the alleged expose, Frayne turned in his resignation, which was refused. Since then, Joseph P. Connolly, Hearst's King Features Syndicate head, was appointed head of all the publisher's dailies. Known that Connolly in against any of the staff being connected with professional promoters, which probably prompted Frayne to again resign. Understood, however, that the Journal bought his term contract, paying off in full.

Kase, who started in Brooklyn, has been one of the best inside men on the Journal and was taken off base last season and assigned to the sports office. James Cannon, another Journal sports department by-liner, has been let out with severance pay reported at \$945. Ed B. Cochrane, of the Chicago Herald-Examiner, who is in general charge of all Hearst sports departments, was called to New York just prior to the Journal changes.

Halliburton Sailing

Richard Halliburton's taste for adventure acquires a new spice shortly when the adventurer-writer leaves Hong Kong in a Chinese junk for San Francisco. Halliburton, who left Frisco for the Chinese city, Sept. 23, intends starting his trip Christmas Day, accompanied by several Dartmouth and Harvard students for his crew.

Bell Syndicate has contracted with Halliburton for him to write a series of 15 articles dealing with his experiences on the trip and has already sold them to several dailies. Halliburton's voyage is reported also set up with the Frisco Fair. Report from the Coast that Halliburton had cancelled his trip is denied by his publishers. Bobbs-Merrill, and the syndicate.

1576 Libel Suit vs. MacFadden

Notice of a \$175,000 libel suit against MacFadden Publications, Inc., Chilton Co., and James A. Rowan (magazine writer), brought by Lucien Koch, former president and director of Commonwealth College, Mena, Ark., and now an executive in the Department of Labor at Washington, has been filed with the Secretary of State in Albany by the U. S. District Court. Koch instituted the action as the result of an article about Commonwealth College, which appeared in a MacFadden publication Dec. 9, 1936.

The article, authored by Rowan, allegedly charged that the college was a center for Communistic teaching and that immorality among its students was condoned by college authorities.

More Locality Mags

New York City locality publications continue to increase in number, with considerable impetus to be given the expansion by Susan F. Hunter. Success of her smart locality mag, Gracery Life, detailing the activities in the Gramercy Park section, is prompting her to put out five additional ones along the same lines—Murray Hill Life, Washington Square Life, Sutton Place Life, Lenox Hill Life and Fifth Avenue Life.

Six locality publications, all to be issued weekly, will appear under the aegis of New York Magazines, which Hunter is now running out of her quarters in the Gramercy Park section will serve as publishing headquarters for the six periodicals.

Macfadden Buys Whodunnit Mag

Macfadden Publications has bought American Detective Cases mag from the Artivision Publishing Co., and will combine in with True Detective Mysteries. Combo probably goes into effect with the December issue. Title of American Detective will be worked in with the Macfadden monthly for a time, and its understood to be dropped.

In the purchase, Macfadden takes only the title and subscription list and none of the personnel. Robert Borden, editor of American Detective, was out previous to the sale. Editor of True Detective Mysteries is John Shuttleworth, who also edits Master Detective Magazine for Macfadden.

Classic Reprints
Martin Sugar, prominent figure in the book biz for some years, is the head of a new book publishing organization, Regency House. With John V. Deegan and Charles J. Miller as his associates, Sugar's plans are republication at nominal prices of classics previously sold for fancy sums.

First on the Regency House list will be Arthur Machen's 'Memoirs of Casanova,' with illustrations by Mahlon Blaine. Temporary offices opened by Regency House in New York, with new company to get permanently established soon.

Ace Buys Camera Fan Mag

Rights to Everyday Photography mag, hobby periodical, have been acquired by Ace Magazines from Hailgoe Publications, with the mag to be revived under the Ace banner around the beginning of the new year. Thomas Blanchard, who edited the periodical up till the time of its suspension in June, has joined Ace to again edit the publication.

Everyday Photography will be the first periodical of its type published by Mrs. A. A. Wyn, who heads the various groups of mags under Ace Magazines. Majority of the Wyn publications are fiction pulp.

3 World's Fair Publications

New York World's Fair will have three publications, according to terms of an agreement signed between fair management and Thomas R. Gardiner. There will be the Official Daily Program, Official Souvenir Book.

Gardiner, who helps get out the N. Y. State Journal of Medicine and the Medical Directory of New Jersey and Connecticut, has formed a separate organization to publish the World's Fair publications. Called Exposition Publications, with Gardiner at its head.

Guild's St. Louis Pact

The Post-Dispatch (Pulitzer) and the St. Louis Newspaper Guild have signed an 18-month contract. Minimums run \$30 a week for the first year, \$40 the second year, \$45 the third year and \$50 the fourth year. The five-day, 40-hour week, which has been in effect, is continued in the contract.

Severance pay, established for the first time, ranges from two weeks' pay for less than a year's service, to 26 weeks' pay after 15 years of service. Only in the case of dismissals for "gross breach of trust" is the severance pay avoided.

Queens Press Ass'n Ags

The Queens (N. Y.) Borough Newspapermen's Association, inactive for the past four or five years, may function again as the result of the World's Fair scheduled for that borough next year. Local scribes are anxious to be organized for the exposition.

Suggestion has been made that they acquire a headquarters close by the fair grounds.

LITERATI OBITS THIS WEEK

Mitchell McClain Stockton, 71, former general manager of the Asheville (N. C.) Citizen and for many years identified with printing and advertising enterprises, died in Atlanta, Oct. 20, after an illness of two years. He was a native of Orlando, Fla., and one of the oldest members of the International Typographical Union in the nation. He had served on the Atlanta Journal and the Birmingham News and Age Herald.

Ella M. Bangs, 84, magazine short story writer, died at her Brockton, Mass., home Oct. 25. She was a member of the Maine Writers Association.

Mrs. Isabelle Hawley Scott, 78, author of magazine features and children's books, died in Syracuse Oct. 28.

CHATTER

Frank Fenton sold his short story, 'Jitterbug,' to Colliers.

Elspeth Huxley related to Aldous and Julian Huxley by marriage.

Robert Burton Spafford to marry next month and will live in Chesham, N. H.

Pascal Covici on the Coast to look in on some of the Viking Press authors.

Mark Greenbriar altered his plans about going abroad and will winter in Georgia.

Oxford U. Press has brought out Macfarlane's 'Ballet in Action' at \$12.50 a copy.

Adela Rogers St. John the subject of a piece by Paul Gallico in the December Cosmopolitan. She's his ex-mother-in-law.

Story, in its November-December

issue, has an innovation in a 14-page poem by James Neugass.

Like Philip Goodman, Leslie Spiller, is another former play producer to try his hand at writing.

Edward V. Cullin has finally put his sailboat in winter storage. Can now resume his scribbling.

Lippincott has published 'Your Daily Paper,' by John J. Flaherty. Tells how a newspaper is published.

Esquire's new film crick is Louis Paul, by-lined as Patterson Murphy. Meyer Levin film-reviewed heretofore.

John Greer, Jr., has purchased controlling interest in The Cordele, Ga., Dispatch from Marion Brown, publisher.

C. Halliwell Duell, Morrow exec, has gone abroad to find out what the firm's foreign scribblers have for the new season.

Stokes has issued Frank Case's book, 'Tales of a Wayside Inn' (\$3), the personal memoirs of the N. Y. Algonquin hotel's lives there.

'Back Where I Came From,' by A. J. Liebling, is Sheridan House's collection of much of the stuff he wrote for the New Yorker.

Hendrik Willem van Loon elected to the board of directors of Greenwich Time, published in Greenwich, Conn. Van Loon lives there.

John Galloway left Metro's writing department to join the new publishing firm of George Palmer Putnam, Inc., as story counsel.

John Gassner, New York drama critic and play reader for the Theatre Guild, will have his comprehensive study of the drama, 'Masters of the Drama,' published by Random House.

Dial Press has taken from the defunct Covici, Friede the contract to publish Ludwig Lewisohn's new novel, 'For Ever Will Thou Love.' Will put it on the press early next year.

Although he's traveled extensively in 31 countries, Theodore S. Geisel has yet to see many parts of America. So he's getting ready to visit Chicago, Cleveland and Detroit for the first time.

Barrett Kelsling is writing another book, 'The Art of Publicity,' to be issued by Johnson Publishing Co. It is a sequel to his 'Talking Pictures,' now in use as textbook in high schools and colleges.

Donald S. Steinfest new music critic of Pittsburgh Post-Gazette. He succeeds Dr. Frederick Dorian, one-time critic for a Vienna newspaper, who is now on the music faculty at Carnegie Tech.

Edmund Ware Smith, who quit as managing editor of National Sportsman and Hunting and Fishing magazines to devote all his time to scribbling, will have his 'Tall Tales and Short' published this week.

Omnibook, new book-magazine, went on the stands yesterday. Periodical, which will publish books in abridged form, published by a group headed by Robert K. Straus, of the family which owns Macy's.

Fred Newman, author of 'Irvin S. Cobb, His Life and Letters,' is a typographer in the composing room of the Paducah, Ky. Sun-Democrat.

A scribbler on the side, he does book reviews and a column for the paper.

Bruce Dudley, sports editor of Louisville, Ky., Courier-Journal since 1923, has resigned to become executive manager of Louisville American Assn. baseball club. He was succeeded by Earl Ruby, his assistant.

William C. Lengel office named exclusive agent to handle the 82 plays, 43 picture synopses and numerous short stories, articles and poems of the late Porter Emerson Browne left to his daughter, Suzanne, four years ago.

Marie McSwigan, for many years a reporter on the Pittsburgh Press and later the Sun-Telegraph in that city, has just turned out her first book, 'Sky Hooks,' the autobiography of John Kane, published by J. B. Lippincott.

Newsweek gave its m. e., Rex Smith, inside front cover billing this week, featuring a ed for his foreign correspondence background. Newsweek's office ad mentions that the paper has 160 editors, writers, reporters and researchers.

Joseph Pulitzer, publisher of the St. Louis Post-Dispatch, tossed in a \$1,000 check at a dinner party given last week at the Missouri Athletic Club for Frank G. Weyerhaeuser, who rounded out a half century of continuous employment with the sheet.

As the result of editorial changes on the Ideal mags, Elizabeth Lockwood, formerly woman's editor of the Hotel World-Review, now editing Movie Life, and Ruth Baer, from Fiction House, editing Personal Romances. Mrs. M. C. Kelley exec ed of the Ideal periodicals.

Bills Next Week

(Continued from page 51)

1214 Club
H'wood Gals (8)
King's Swine
Zen Tracy
Oen Fennis Ore
Viking Cafe
Jackie Whalen
Jerry Delmar Ore
J. Village Hara
Dolores O'Neill
Margie Smith
Clara Curtis
Alway Dore
Jerry Wilson
Nancy Lee
Teddy Oliver Ore
Webber's Hot Hran
(Garden)
Nino Carmine
Karl Z. Gretchen
Bavarians
Iris Hart
Ruth Miller
Ray Miller
Jules Fincio Ore
Artistic
Conchita
Jimmy Lachore
Bill Bliger
Eddie Sheppard
J. J. Hamilton Ore
Yacht Club
Kitty Hemming Ore
Jimmy Bailey
Helen Galt
Benny Stewart
Ruth Miller
Dorothy Day
Kippie Veler
Clara Robinson
Joe Warner
Robert Robinson
Patricia Robinson

MILWAUKEE

Bert Phillip's
Pop Babbler Ore
Ethel Seidel
Billy Knack's
Donna Lufae
Louis Streeter
Marty Hott
Elen Renard
Elen Renard
Blatz Palm Garden
Louis Mason
Nick Mason
D. Davidson Ore
Irene Burke
Shirley Kent
Virginia Roson
Jay Jordan Ore
Carlton Club
Bud Vinton Ore
Chateau Club
John P. Brown
Andri Brou
Ruth Brou
Ruth Brou
Peggy Moore
Saxon Sils
Clover Club
Weber Ore
Nancy Brou
Ruth Phillips
Ellen Rookas
Lynn Rookas
Milton Rookas
Evelyn White
Club Madrid
Stan Jacobson Ore
Zita & Annie
June Jones
Bernice & Yvonne
Ruth Roberts
Bobby Adler
Marie Marsh
Ruth Marsh
Frances Allis
Club Terrie
Jack Terrie
Ethel Warren
Phil Kestner
Shutale & Kent
Conco Club
Bob Freeman
Evelyn Reed
Joel Thomas
Lillian Reed Ore
Cornelia Ship
Red Billings Ore
Nancy Reed
Gene Emerald
Ralph Lewis
Devines Eagles
Bob Garrity Ore
Johnny Hamp Ore
Red Roberts Ore
Arline
Concertina Eddie
Wally Miller Ore
Georgia Galt
Jimmy De Palma
Howard Galt
Hotel Schroeder
Jack Crawford Ore
Joe Wallace
Wilfrid Du Bois
Nancy Dwyer
Southern Sils
Tung Ping Sio

DETROIT

Ambassador Club
Buddy Lester
Ruth Lester
Halo Sherman
Lefayette & Jay
The Guardians
Book Casino
Joe Venuti Ore
Paula & Beverly
Paul LaVois Ore
(Motor Bar)
Art Ravel Ore
Muriel Boyd
Chene-Trombley
Jimmy Gargano Ore
Lenore Gargano
Arlene Whaley
Dorcas & F. Drew
Ruth Saylor
Club Frontenac
Geo Aifand Ore
Harry Jarkey
Sally Omer
Ren Ernesto
Dorcas & F. Drew
Commodore Club
C. Cronwell Ore
Grace Drysdale
Spee & Sane
Hotel Matier
(Terrace Room)
Nancy Galt Ore
Georgia & Jaina
Paula & Beverly
Carmen Castillo
Judy Lane
Catalano Holm
Jimmy Deland
Murray Dagers
Neholia Cole
Leonard Seel Ore
Tudor & Jean
Walter
Northwind Inn
Ray Carlin Ore
Meaty Wynton
Bobby Cook
Santoro & Lorraine
Sigrin Dugan
Lefayette & Jay
The Guardians
Oaks
Gloria Cole
Sue Glick Ore
Leola Taylor
Harold Ore
Plantation Club
H. Henderson Ore
Mae Diggs
Billie Cole
Leitha Hill
Lillian (8)
Horn
Pewman
Paul Neighbor Ore
Beauett Dancers
Billie Cole
Owens & Parvo
Saks
Les Arquette Ore
Ruth & F. Drew
Peter Higgins
Vicki
Diamond Sils (2)
Perry
Joe Jones Campbell
To-Jo Farms
Burns Cantall Ore
Willie Green
Fondacore Lopez
Billy & Billie
Terry
Wheeler Hall
(Cocktail Grill)
Art Mooney Ore
Tudor & Jean
Royal Rollers
Marla Greene
Dorothy Berlin
Al Viera Ore

Broadway

Tamara Geva, back from London, looking for a new play.

Walter Batchelor, visiting from the Coast, recovering from gripe.

Rose Stradner out to the Coast and a Columbia contract for a year.

George Nicholas to Palm Beach to recuperate from nervous ailment.

Leon Netter, Par theatre department executive, back from Europe.

Hunter Perry, Virginia Par partner, in town following recent death of Mrs. Perry.

Myrna Kennedy, east, set for a professional comeback in Astoria film production.

Paramount Pep club held its annual dinner dance at the Astor hotel Friday night (26).

Larry Spier now a Westchester commiser, where the music publisher bought an estate.

Bert Frohman, nitery m.c., has a major role in William K. Howard's play at Astoria.

Dorothy Dickinson, Arkansas beauty contest winner, has been signed for a Shubert musical.

Understood Hoyts dickering for additional theatres in the various states, mostly in nabe centers. Greater Union rushing to complete Victory, Sydney.

Looks as though government will mix Yuletide pantomime in commercial shows with kid talent. Actors' Federation against this form of cheap entertainment.

Bob Sheppard, former exec J. C. Williamson Pictures, New Zealand, passed away. Prior to joining Williamson, Sheppard was with Sir Ben Fuller over a considerable span.

Film Richard of Trade attempting to not take up its option with Frank Neil for him to vaude acts. Contract expires with playing of two Yankee acts, Jerry Lawton and Chris Gill.

Columbia Broadcasting bunch made a killing on the football pool slips last Saturday. Took the bookies for \$5,000.

Duke Wellington, art director for National Screen in New York, has resigned. Plans entering production field on Coast.

Gene Aiello, resigned from UA advertising department, now with Paramount art department at home office under Vincente.

Mary Mason will play the part she created in the Broadway 'Brother Rat' when the comedy is presented Nov. 14 in Maplewood, N. J.

Paul Draper back from London just in time to open at the Waldorf tomorrow. Will return in April for another session at Cafe de Paris.

Mrs. Mack Bell motoring back to the Coast, having bought a car while east on vacash. Mrs. Jimmy Fidler also returning this week.

Lennox Robinson's 'The White-headed Boy' will be presented Sunday night (6) by the Irish Repertory Players at the Heckscher theatre.

G. L. Carrington, general manager American Service, will convene convention of Society Motion Picture Engineers in Detroit to the Coast on his.

Hal Horne will visit England, France, Switzerland, Belgium, Holland, Sweden, Poland and Italy on his seven weeks' trip for Walt Disney.

Niteties did all right from the football crowds over the weekend. Army-Notre Dame influx rates next to New Year's eve for a spending crowd.

Ken Murray, in Hollywood on a film specialty at U. set for 'Fair Enough', now Milton Lazarus play for Lee Shubert-Alex Aarons this winter.

Jeanette's Circus is still another 52d street bistro due to open soon, with backing from some of the ex-Frolics bunch. Mike Riley's Troc likewise set.

DeWitt Celsor, assistant treasurer of N. Y. Paramount, back from Bowling Green, Ky., after attending funeral of Celsor's father, killed when struck by a car.

Bob O'Donnell came on to New York from the Pittsburgh Variety Club dinner. Discussing pure deals with Y. F. Freeman.

Paramount and returns to Dallas today (Wednesday).

Paramount Pep Club, of which Carl Clausen is the new president, held its annual dinner-dance at the Astor Friday night, with attendance highest in its history. Bob Weismann m.c.d. show.

Rose and Jack Robbins due back from Hollywood soon, where they went to dispose of their Bevhills home, which Louis K. Sidney, Metro exec, bought after first being the Robbins' tenant.

Mob of actors looking for parts in the forthcoming Kaufman and Hart show, 'The American Way', which Sam H. Harris will present at the Center, was so great last week that police had to be called to preserve order.

Sydney

By Eric Gerrick

Hoyts presenting 'Snow White' as flesh pan in the nubes for the kiddies.

Wife of Edwin Geach, a director of Greater Union Theatres, died in Sydney.

Lady Fuller, wife of Sir Ben Fuller, seriously ill with pneumonia, recovering.

Greater Union Theatres reviving 'Mite Carlo' (Par) for a run try in the ace spots.

Hoyts transferred 'Robin Hood'

(WB) from Regent to Embassy for added run try.

Cecil Kellaway here on loan from RKO to appear in 'Mr. Chedworth Hits Out' for Cinesound.

'White Banners' (WB) took a k.o. at the b.o. here. Final notice went out for the movie after premieres.

Peg-Leg Bates engaged by Charles Munro to tour Hoyts chain by arrangement with Tivoli circuit.

Nancy Gurr, exploiter for Cinesound, has had a book for kiddies accepted by a London publisher.

Luna parks, top amusement park, got under way for the Phillips Co. They also operate similar park in Melbourne.

Shirley Ann Richards, Cinesound star, was recently thrown from a horse and injured while on vacation. Recovering.

Ernest Ralls here to produce for Williamson-Tail. Stated he's been appointed a director of W-T as well as chief producer.

Leone Purcell, Dobby Dear, Mary Dees, Jessica Rogers, Arden Young and Dorothy Zimmer have arrived to play in 'The Women' for Williamson-Tail.

Understood Hoyts dickering for additional theatres in the various states, mostly in nabe centers. Greater Union rushing to complete Victory, Sydney.

Looks as though government will mix Yuletide pantomime in commercial shows with kid talent. Actors' Federation against this form of cheap entertainment.

Bob Sheppard, former exec J. C. Williamson Pictures, New Zealand, passed away. Prior to joining Williamson, Sheppard was with Sir Ben Fuller over a considerable span.

Film Richard of Trade attempting to not take up its option with Frank Neil for him to vaude acts. Contract expires with playing of two Yankee acts, Jerry Lawton and Chris Gill.

Columbia Broadcasting bunch made a killing on the football pool slips last Saturday. Took the bookies for \$5,000.

Duke Wellington, art director for National Screen in New York, has resigned. Plans entering production field on Coast.

Gene Aiello, resigned from UA advertising department, now with Paramount art department at home office under Vincente.

Mary Mason will play the part she created in the Broadway 'Brother Rat' when the comedy is presented Nov. 14 in Maplewood, N. J.

Paul Draper back from London just in time to open at the Waldorf tomorrow. Will return in April for another session at Cafe de Paris.

Mrs. Mack Bell motoring back to the Coast, having bought a car while east on vacash. Mrs. Jimmy Fidler also returning this week.

Lennox Robinson's 'The White-headed Boy' will be presented Sunday night (6) by the Irish Repertory Players at the Heckscher theatre.

G. L. Carrington, general manager American Service, will convene convention of Society Motion Picture Engineers in Detroit to the Coast on his.

Hal Horne will visit England, France, Switzerland, Belgium, Holland, Sweden, Poland and Italy on his seven weeks' trip for Walt Disney.

Niteties did all right from the football crowds over the weekend. Army-Notre Dame influx rates next to New Year's eve for a spending crowd.

Ken Murray, in Hollywood on a film specialty at U. set for 'Fair Enough', now Milton Lazarus play for Lee Shubert-Alex Aarons this winter.

Jeanette's Circus is still another 52d street bistro due to open soon, with backing from some of the ex-Frolics bunch. Mike Riley's Troc likewise set.

DeWitt Celsor, assistant treasurer of N. Y. Paramount, back from Bowling Green, Ky., after attending funeral of Celsor's father, killed when struck by a car.

Bob O'Donnell came on to New York from the Pittsburgh Variety Club dinner. Discussing pure deals with Y. F. Freeman.

Paramount and returns to Dallas today (Wednesday).

Paramount Pep Club, of which Carl Clausen is the new president, held its annual dinner-dance at the Astor Friday night, with attendance highest in its history. Bob Weismann m.c.d. show.

Rose and Jack Robbins due back from Hollywood soon, where they went to dispose of their Bevhills home, which Louis K. Sidney, Metro exec, bought after first being the Robbins' tenant.

Mob of actors looking for parts in the forthcoming Kaufman and Hart show, 'The American Way', which Sam H. Harris will present at the Center, was so great last week that police had to be called to preserve order.

Hoyts presenting 'Snow White' as flesh pan in the nubes for the kiddies.

Wife of Edwin Geach, a director of Greater Union Theatres, died in Sydney.

Lady Fuller, wife of Sir Ben Fuller, seriously ill with pneumonia, recovering.

Greater Union Theatres reviving 'Mite Carlo' (Par) for a run try in the ace spots.

Hoyts transferred 'Robin Hood'

London

The Duncan Sisters off to Paris. Henry Lartigue and Clifford C. Fischer in town.

Jack Powell in from Zurich for vaudeville dates.

Livingston, Richard, back to California in a couple of weeks.

Stoll's Film Studios, Cricklewood, is up for auction.

A. Sherman here to buy British pictures for the American market.

June Clyde may return to New York to star in new musical show.

Lyn Harding's 71st birthday celebrated on his native Welsh heath Oct. 12.

E. H. Bostock, head of the famous circus family, has just celebrated his 80th birthday.

Carroll Lewis to vacation in December. Will go to Egypt, first holiday in two years.

Alfred Esdaile producing Al Bunnett's vaudeville road show which he is also backing.

Charles B. Cochran wants Charles Hislop for new musical he intends to produce shortly.

Clive Brook, starting in Michael Balcon's 'The Wars' at Ealing studios, is in on a percentage deal.

Nice, Florio and Lubow at Les Ambassadeurs, Paris, with Jimmy Deubert.

'Bobby Get Your Gun', Adelphi's new Jack Walter musical, has ticked for 300 weeks library deal involving \$40,000.

John B. Myers, Alexander Korda aide, who used to own an airplane, for business trips, has given up that means of transport.

With Lillian Brien, daughter of the cast with appendicitis, Ivor Novello's 'Comedienne' closed at the Aldwych Oct. 15 after four months.

Paul Robeson said to have been signed by Elton Bros. for State, Kilburn, at \$3,000 per week, which would be a record for single at this house.

Flood of ice skaters, booked by Rowland, for English spots, return home Saturday (5). Already said to be set here for next season.

Drury Lane theatre staff, with exception of fireman, stage director and bookers, threatened to close his three vaudeville units now touring England and return to America to play dates with his act.

Donald Stewart, who is presentation at the Arts Theatre Club, 'A Party for Christmas', moved into the Haymarket Oct. 26, replacing the short-lived 'On Borrowed Time'.

Lord Chute, an Irish actor, on Irish aspect of 20th-Century film, Don Byrne's 'Hangman's House', which Bill Conselman is scripting in readiness for shooting in early January.

New play on the Empress Elizabeth of Austria comes to Garrick Nov. 3. It is by novelist Elizabeth Sprague and her sister-in-law, Katrina Sprague, and depicts the Queen's life over 45 years. Cast includes Wanda Rotha, Richard Ainley, Gyles Isham and Max Agate.

This year's Royal Command Variety performance at Coliseum, Nov. 17, will include Evelyn Laye, Richard Heare, Les Allen, Renee Houston and Donald Stewart.

Ken Davidson and Hugh Forster, Jack Payne and band, Stuart Morgan Dancers, Crastons, two Leslies, John Tiller Dancers, Elsie and Doris Waters, Lupino Lane, Hatton and Manners.

Rome

New film company, Milanese Cinematographic Society, just formed.

Berlin male choir, known as 'Berliner Liedertaler', in Italy on a goodwill tour.

Isola to stay with Antonio Gandusio's company this legit season, despite rumors that she would leave.

Ermete Zacconi, 82, has returned from six-month tour of South American cities with his acting company.

State to subsidize opera and concert circuits in Italy as well as dramatic companies, operettas and revues.

Vittorio Mussolini, son of Il Duce, replaced Luciano De Feo as editor of Cinema, a paper devoted to film news.

Dina Sossoli, 18, won Italian magazine prize offered to attract new tal-

ent to Italian screen. Has been signed by Scaleria.

Leading her troupe of Japanese dancers, Devi Dja appeared here at the Quirino theatre for her first European engagement.

Annibale Ninchi has formed legit company, which will produce among other plays, Gherardi's 'East-West'.

Conti's 'That Mask' and Ninchi's 'A Gray Gull'.

UFA cooperating with Astra Film on production of 'Castles in the Air', starring Lillian Harvey, Vittorio de Sica, Otto Tressler and Fritz Odemar.

Outdoor show being made at Capri, Florence and Venice.

Experimental Cinema Center opening its courses for this year; 50 new pupils will be admitted. The courses, which cover technical training as well as acting and directing, are open to Italian men over 18, and to women over 16.

Paris

By Hugo Speck

Gaby Morlay off on Swiss tour.

'Plutus' closed at Theatre Atelier.

Samy Siritzky recovering from flu.

'Sacred Law' will be G. W. Pabst's next.

Jacqueline Laurent in from Hollywood.

Charles Trenet topping new ABC offering.

Abe Gance starting 'Louise' with Grace Moore.

Harry Baur plans theatrical tour of Yugoslavia.

King Vidor gathering material on Madame Camille.

Vincent Hyspa, music hall star and film actor, dead.

Monte-Carlo Ballet opening season in Monte-Carlo.

Harry Gordon, Scotch comedian, in with wife for a look.

Fox gave special showing of 'Alexander's Ragtime Band' for local maestros.

Georges Rigaud will make 'Accord Final' for his first French film after a filmless Hollywood stay.

Mistiguet, Mariene Dietrich and Grace Moore caught new Casino de Paris revue the same night.

President and Madame Lebrun catching at 1,000th performance of 'Werther' at Opera-Comique.

Marcel Pagnol acquired film rights to Roger Ferdinand's new play, 'Le Drame de Hauteceuvre', now at Odeon theatre.

'Katia', Danielle Darrieux's first film after return from Hollywood, opening at Moliereux. She's readying for Hollywood return.

Jeff Musso abandoning 'Goya' temporarily as Spanish war won't permit scenes to be taken there. Going to make 'M. Lullaby' from a 'Liam O'Flaherty yarn'.

2d-Hand Shoes

(Continued from page 1)

claiming that almost 20,000 pairs of second-hand shoes were imported from America during August.

11 a Star's Curl

Hollywood, Nov. 1.

Curly locks from the crowned heads of Hollywood (platinum, pexoxide, strawberry or natural) are yours for the asking—and one buck.

Thousands of used permanent waves, clipped off in the wake of picture stars, are going on sale at the World's Fair in Frisco.

One-third of the buck goes to the Screen Actors Guild and the rest to Perc Westmore, Warners makeup head, who thought up the hair-raising stunt.

Thus far the hirsute donations are all from the male sex. No one the male thespians has offered a ringlet.

HARLEM ON PARADE

(Continued from page 53)

legs that rate highly. Youngster draws more applause than any other act, save the headliner. With expert coaching in stage behavior, the lad would be featured in any fancy-dance troupe.

His green-and-white silk costume appears too tight, which suggests a reason for his early uneasiness. Tries singing, but his chief assets are his legs.

Brown and Brown, in their opening number, 'Harlem Apache,' display versatility. Their cockeyed antics in the jitterbug leave the peroxide-haired limp. Combining every form of screwball dancing, their leg-forma paves the way for Troy Brown, who pitches till the curtain falls.

Brown, a decided heavyweight, wears outlandish clothes. His initiator is a monolog employing song tips, teases, high-gutter, His mimicry of poked-out socks, though followed by seemingly intricate dance steps. Despite his obesity, comedian does a neat split and taps away expertly to rap several calls.

Givens mikes at the finale, with each act briskly participating. 'Parade' lasts 47 minutes and should click in any class B or house.

House half-full at show caught.

Guss.

Hollywood

Clara Bow planned to Chicago. Francisca Gaal a sinus victim. Frank Conen in from Manhattan. Lou Irwin to Frisco on Fair biz. Zasu Pitts in from personal tour. B. W. Richards in from New York. George Seidelman here for confabs. Mickey Rooney to Oklahoma City. Jimmy Ellison recovering from flu. Henry Grace back from European tour.

Herman Robbins back from New York.

Bob Taplinger back from New York.

Reginald Gardiner fractured his elbow.

Franklin D. Parker improving in hosperme.

Rollo Dix changed his film name to Eric Vallon.

George Roberts joined the Rodney Panjane office.

Frank Mitchell back after scouting Broadway plays.

Ellen Drew in hospital recovering from appendicitis.

George Giroux to Detroit for engineers' convention.

Marsha Hunt laid up with lip injury sustained on set.

Ann Richards celebrating fifth wedding anniversary.

Lyle Talbot and Franklin Parker recovering from burns.

Howard Payne starts South American air tour next week.

Johnny Burke built a new house for his parents in Van Nuys.

Donald Clark and Audrey Parriss back from honeymoon in Reno.

Cliff Edwards and Edith Fellows preparing for midwest personal tour.

William Wyler and Margaret Tallich returned from two-day honeymoon.

Shunji Shimizu arrived from Tokyo to gather films for Japanese use.

Shirley Temple named grand marshal of Pasadena's Tournament of Roses parade.

Chicago

Tom Quigley, in the music biz 35 years, is writing a book about it.

Gertrude Lawrence tossed a midnight gabfest for local newspapermen.

Mort Singer off to New Orleans to o.o. theatre holding there. Then heads to the Coast.

Tom Kane, who came in ahead of 'Our Town', switched to advance of 'Our Town' for Jed Harris.

Judy Starr, who has been in hospital, rejoins Hal Kemp's orchestra on its Chicago theatre date this week.

Show biz section of the Community Fund drew this year handed \$25,000 quota; Jack Kirsch, Allied prax, chairman.

Jimmy Durante receiving an honorary degree of Master of Speech from the University of Chicago College of Drama and Radio.

Burt Ostin, for years regional ad and pub for B&K, has taken over from the B&K Studios, trailer firm, from Bob Hartman.

James Christie, general midwest manager for RKO theatres, recounted from earlier gig at Naperville, Ill., San. Expected back in couple weeks.

Jack Hunt, manager of the State-Lake for the past five years, moves out to oversee the Oriental under the new Jones, Limick & Schaefer regime.

Pittsburgh

By Hal Cohen

The Lee Lovelands divorced.

Harry Moskoffs celebrated their silver wedding anniversary.

Mrs. Gerry O'Neill back on her feet again after a hospital stay.

Bill Richter out of the hospital after getting his appendix clipped.

Dick Ware back where he started from, Show Boat, checking as m.c.

Ben Atwell ordered beating the drums for the new Modern B-B-B.

Margaret Daum coming home to sing at Dapper Dan Banquet Nov. 20.

Harry Seed's had going on advance in few weeks as Ted Lewis' roadman.

Pitt-Fordham game Saturday (29) niteties their biggest weekend in years.

Catholic Theatre Guild hosted Emmett Lavery at dinner Sunday, night (30).

My Shuleold home for a few days before setting out on round-the-world tour.

Lucille Harrison named harpist for Pittsburgh Symphony under Fritz Reiner.

Johnny McQuade, Playhouse alumna, in this week with George M. Cohan show.

Pat Morgan and Al Shelleady denied vocals for Al Kavelin's reorganized band.

Local group talking about a drive-in film place on the outskirts for next summer.

Harris new downtown theatre, Senator, won't get the starting gun until next month.

Ruth Wick, 'Miss Pittsburgh,' forced out of Wolfendale hotel show because of appendix.

G. G. Corrette, an agent for 35 years in Pittsburgh, for first time, ahead of 'Whiteheads'.

OBITUARIES

ALMA GLUCK

Alma Gluck, 54, opera singer and phonograph and concert artist, died in New York, Oct. 27, after a long illness. She was the wife of Efrem Zimbalist.

Story in the music section.

FRED DUPREZ

Fred Duprez, 54, American actor and manager who in recent years has been better known to the London stage, died Oct. 27 of a heart attack. He had just arrived in the United States when recalled to fill some radio engagements, and took the same steamer, the President Harding, back to London. He died en voyage. Mrs. Duprez, who accompanied him on the westbound trip, remained here, anticipating his early return.

He was born in Detroit, of professional parents, and after five years in stock he went into vaudeville, attaining headline prominence. In 1916 he toured England in the title role of 'Mr. Manhattan.' His success was so great that the title was subsequently adopted as his billing in the music halls. He pro-

part owner of the Cincinnati baseball club.

She was best known as the first American woman to visit northern Alaska, joining the Deazie Wilson expedition while playing a theatrical engagement in Victoria, B. C. She served as secretary to the expedition for 14 months in the Yukon. On her return, known as 'The Klondike Girl,' she toured the country lecturing on her experiences. She also wrote 'A Guide to Alaska' in collaboration with Wilson and in 'Glimpses of Alaska' gave her personal reactions. In recent years, her small fortune dissipated, she had worked as a practical nurse in Elizabeth.

FRANK HATCH

Frank Hatch, 74, actor and stage director, died in Queens, L. I., Oct. 25, of pneumonia.

He made his stage debut in the '90s in California and made his first New York appearance in 1890 in 'The Bells of Hazzelmere,' an English melodrama. He returned to California in '93 and organized a stock company which played up and down the Coast, traveling mostly by stage

merly a well-known duo. They were inseparable on and off the stage.

MRS. MARIE JUNG

Mrs. Marie Jung, 73, one-time opera soprano, died Oct. 28 in Alhambra, Calif.

She came to this country in 1913 after appearing with opera troupes abroad. Leaves three sons.

ELIZABETH F. SEYMOUR

Mrs. Elizabeth F. Seymour, 83, died Oct. 23 in Milford, Conn. A long-time resident of New Britain, she was associated with her husband, Frank, in the Seymour Stratton stock company, which toured the country 50 years ago.

Among survivors is a sister, Ella Copeland, who performed with Seymour Stratton troupe.

TEX AUSTIN

Tex Austin, 52, who promoted many rodeos, but who lately has been running a restaurant in Santa Fe, N. M., was found dead in his garage Oct. 26. A hose led the carbon monoxide from the exhaust pipe into the car in which he was sitting. Notes clearly indicated premeditated suicide.

ROGER GRAHAM

Roger Graham, 53, songwriter, died in County hospital, Chicago on Oct. 25 after a long illness.

Graham wrote approximately 175 songs, the most popular of which being 'I Ain't Got Nobody.' At one time he headed his own music firm. Burial in Chicago.

MICHAEL O'CONNOR

Michael O'Connor, head electrician for the Theatre Guild, died in Philadelphia, Oct. 30.

He was in charge of the lighting of the road company of Alfred Lunt and Lynn Fontanne's 'Sea Gull' playing at the Chestnut Street Opera House there.

AL LAWSON

Al Lawson, 64, former vaude trick bike rider and later northwest rep for Western Vaudeville and general fair agent, died in Minneapolis on Oct. 27 following a long illness.

Widow survives. Burial in Minneapolis.

MAXINE CASTLETON

Maxine Castleton Corbaley, who under her maiden name sang in the Jones Beach operettas last summer, committed suicide by gas poisoning in her New York home Oct. 30.

Her farewell note ascribed no reason for her action.

JOSEPH CASILLO

Joseph Casillo, 53, operator of Seven Gables Inn, Milford Conn., died Oct. 21 of heart attack following 28th wedding anniversary celebration.

Widow, son and daughter, survive.

THOMAS MORENO

Thomas Dave Moreno, 43, film stunt man, died Oct. 25 at Veterans Hospital, Sausalito, Cal., after a short illness.

At Universal for years, he was known as 'Skydiver' surviving as his widow and daughter.

CHARLES S. PARNELL

Charles S. Parnell, 49, secretary of the Mebane, N. C., Six Counties Fair for 10 years, died as a result of injuries received in an auto accident Sept. 27.

A. EMMETT ADAMS

A. Emmett Adams, 48, composer of 'The Bells of St. Mary's' died in London Oct. 30. His latest, and still unpublished song, 'Life's Great Sunset' was played at his funeral.

GRACE ADELE

Grace Adele, 37, stage actress, died Oct. 23 in Los Angeles.

Surviving is her husband, Leroy Jackson.

RALPH J. NASE

Ralph J. Nase, 53, camera technician at 20th-Fox, died Oct. 23, in Hollywood. Surviving are his widow, a son and daughter.

JULIA BOETIGER

Julia Boetiger, 86, former character actress, died Oct. 28, in Los Angeles.

SYMPH CLUB ON NBC

Philadelphia, Nov. 1. Philly Symphony Club orch., consisting of 11 amateur musicians, will start a monthly series on KYW and the NBC red network on Nov. 6. Group gave similar series last season.

It is under direction of William F. Hapich and sponsored by Edwin H. Fleisher, wealthy Philly music patron.

News From the Dailies

This department contains rewritten, theatrical news items as published during the week in the daily papers of New York, Chicago, San Francisco, Hollywood and London. VARIETY takes no credit for these news items; each has been rewritten from a daily paper.

East

Helen Flint, actress, suing her husband, Harold Spencer Auguste, for separation on grounds of desertion. Says he has not been home in six months. Last spring he sought annulment of the marriage in the White Plains court, but dropped the suit.

N. Y. State Labor Relations Board orders Stork club to reinstate nine waiters, with back pay. Club will appeal.

N. Y. Commissioner of Markets to prosecute 11 brewers for allegedly selling short barrels of beer.

Tex Austin, who promoted the first rodeo in Mad. Sq. Garden, and who had staged innumerable contests here and in London, committed suicide in Las Vegas, N. M., Oct. 26. He had planned a rodeo in the garden during the World's Fair period.

Maurice Evans replaced Orson Welles at the Theatre Education League next week. Welles too busy with 'Danton.'

Ethel Shutta admits she'll sue George Olsen for divorce 'within the next few weeks.' Will charge desertion.

Hendrik Willem Van Loon on board of directors of Greenwich (Conn.) Times and will take an active editorial interest.

Shirley Temple addressed the Herald-Tribune Forum by telephone last week.

Electricians of the Theatrical Protective Union picketed the Penn Newsreel theatre, declaring the house did not employ A.F.L. men. Management picketed the pickets with a sign stating it employed A.F.L. projectionists. Electricians wanted the house to hire two men at \$68 a week each. Only duties to change the electric signs twice a week and oil the motors once every six months.

Newest toilet addition is a non-skid preparation for bath tubs.

Pat Crueve, of Judahay kidnapping fame, seriously ill in Harlem hospital.

Report that 'Victoria Regina' would run past the holidays at the Martin Beck theatre, the Globe Miller office. Blamed for a slight easing off in the capacity business.

Phyllis Haver, ex-Sennett, and now Mrs. William Seaman, bitten by a monkey sent as a present at her birthday party at the 21 club last week. No one knows who sent the simian.

Moscow Art theatre celebrated its 40th anniversary last Thursday. Several of the players have been with the enterprise since its foundation. Stalin and other high officials attended.

Theatre House, new producing organization, acquires Alexander Kirkland and Tom Powers, Raymond Sovey, Blanche Yurka and Garrett H. Leverson as advisory council. Last named is the new play editor for Samuel French. Miss Yurka will play in the 'Glorious' and 'Powers' will both act and direct. American Music Year, planned by National Federation of Music Clubs, showed off at a luncheon at the Great Northern last Saturday.

Clare Rockmore gave a recital on the theramin at Town Hall last Thursday. Used an instrument employing the suggestion of the inventor by Joseph Hoffman, pianist, and surprised her listeners by the greater flexibility of the instrument.

Eddy Duchin and his infant son, Peter, share the estate of the late Mrs. Marjorie Oelrichs Duchin, who died intestate. Net value is \$13,211.

Puerto Rico radio stations bar from the air all advertising of foods and drugs not approved by the American Medical Assn.

Jimmy Nash, rodeo clown, averted a tragedy at the Garden Theatre night. George Mills was bulldozing a steer when he lost his grip on the horns. Steer trampled him and started to gore when Nash distracted its attention. Had to run for his own life, but made it.

National Drum Month planned. Inclusion contest for drum songs. Judges are George Olsen, Larry Clinton, Tommy Dorsey, Horace Heidt, Kay Kyser and Eddy Duchin. Worthington, Miss. new member of the Theatre Guild's Board of Managers.

Fire in a bus menaced 38 members of the Brantford (Ont.), Choir when the vehicle burst into flames near Delaware Water Gap. Driver helped all to safety.

Yale Puppeters to give Sunday night shows at the gymnasium. New York traffic cop threatened with arrest four young couples who were doing a sidewalk skit and Big Apple in front of Decca Records N. Y. office. Dancers from Decca and were hoping to gain attention to placards being toled by them.

City of White Plains was granted an injunction to halt the removal of top soil from a local real estate de-

velopment for transportation to the N. Y. World's Fair grounds.

WPA three ring circus goes in doors Thanksgiving day. Opens at White Plains.

Wife of Jay Hyde Barnum, of the circus family, starts for alimony and counsel fees in Bridgeport court. They have been separated since 1936. He sold their home in Silvermine to Edna Pons.

Josephine Brown, of 'Bachelor Born' knocked down by an auto last Wednesday. Kareen Allyn will replace her while she's in the hosp.

Maxine Castleton Corbaley, professionally known as Maxine Castleton, committed suicide by gas poisoning in her home last Sunday. No reason for her death was given at Jones Beach last summer.

'Kiss the Boys Goodbye' will give a benefit for the Stage Relief Fund Nov. 20.

Forrest theatre to put in girl ushers.

Coast

Barbara Stanwyck lost her suit in the California Supreme Court to prevent her former husband, Frank Fay, from visiting their six-year-old son.

Fay Wray was subpoenaed as a witness against three men charged with defrauding the public through fake auction sales.

Ernest Truex, stage and screen comic, was divorced in L. A. by Mary Jane Truex, film actress.

Chester Morris, film actor, and his wife, Sue Kilbourne, formerly of the stage, agreed to a trial separation.

Fanny Brice was granted a divorce in L. A. from Billy Rose; the actress' producer. Official charge was desertion.

James K. McGuinness, screen writer, was sued for separate maintenance in L. A. by Elizabeth Quinn McGuinness, who asked \$1,800 a month.

Ray Heindorf, film musical director, was divorced in L. A. by Maxine Heindorf, who was awarded three-sixteenths of his gross income.

MARRIAGES

Mrs. Doris Kenyon Sills; widow of Milton Sills to Albert D. Lasker, retired head of Lord & Thomas, Oct. 28, in New York.

Corrinne Riley to Dr. Thomas L. Dwyer in Omaha Oct. 29. She's cashier at Brandeis theatre.

BIRTHS

Mr. and Mrs. Carl Krueger, son, in New York, Oct. 27. Father is in Paramount home office exploitation department.

Mr. and Mrs. J. E. Robertson, daughter, in Detroit, Oct. 26. Father is chief sound technician at WXYZ, Detroit.

Mr. and Mrs. Bob Carter, daughter, in Pittsburgh, Oct. 24. Father is singer with Fran Eicher's band.

Mr. and Mrs. E. E. Barnier, daughter, in Pittsburgh, Oct. 23. Father is one of owners of Willows, Pitt nitory.

Mr. and Mrs. Billy Aschey, daughter, in Pittsburgh, Oct. 26. Father is with Nelson Maples orchestra.

Mr. and Mrs. John Garfield, daughter, in Los Angeles, Oct. 27. Father is stage and film player.

Mr. and Mrs. Anthony Quinn, son, in Los Angeles, Oct. 27. Mother is the former Katherine De Mille, screen player; father is film actor.

Mr. and Mrs. Ernst Lubitsch, daughter, in Hollywood, Oct. 27. Mother was Vivian Gayer, screen player; father is producer-director.

Mr. and Mrs. Lou Payne, daughter, in New York, Oct. 7. Mother was former Laura Lee, picture actress.

Mr. and Mrs. Paul Lucas, son, in Hartford, Oct. 27. Father is co-production manager at WTIC, Hartford.

Mr. and Mrs. Karl Scott, son, in Hartford, Oct. 23. Father is engineer at WTIC, Hartford.

Mr. and Mrs. Henry Schwartzberg, daughter, in Boston, Oct. 26. Father is home office exec of M. & P. Theatres Corp., Boston.

OP. CO. SEEKS CHARTER

Philadelphia, Nov. 1. Application for a Philadelphia Opera Co. charter was made Friday (26) to common pleas court No. 1 here.

New group is a proposed non-profit organization 'of, by and for Philadelphians.'

William Morris

pered in English vaudeville, but scored his greatest success in a series of revues. Most of these he adapted from American sources and one of his objectives on the current trip was to acquire the rights to 'Me, Him and I,' an old Hurlst & Semon production, which he planned to make the nucleus of a British presentation. His previous effort, 'My Wife's Family,' ran for two years in London and in the Provincs.

Surviving are his widow, a daughter, a son and a brother, the latter Charles Duprez, of Belrose, Queens.

ROBERT WOOLSEY

Robert Woolsey, 49, comedian and part of the recently dissolved team of Wheeler and Woolsey died at Malibu Beach, Cal., Oct. 31. He had been suffering with a kidney ailment for the past 18 months. During his illness he made one picture with Wheeler, 'On Again, Off Again,' which was released last year. Wife and mother survive.

Originally an exercise boy and jockey on leading horse race tracks of the country at the start of the century, Woolsey was forced to give up riding when he broke his leg. He rolled on him breaking his leg. He started his stage career in San Francisco as a member of a stock company playing leading roles in Gilbert and Sullivan operettas.

He followed this with numerous dramatic successes but it was not until 1927 that he gained recognition as a comedian. Florenz Ziegfeld teamed him with Bert Wheeler in the musical production 'Rio Rita.' This was followed by a screen version of the production made by RKO and established the pair as b.o. draws. Since then the pair had made some 15 or 20 pictures under the RKO banner.

JOHN FRANCIS LEE

John Francis Lee, 75, veteran showman, died in Milwaukee Oct. 28.

He started as program boy with 'Popcorn' George Hall then went to the Dode Fiske Society circus. He was manager of the Reynolds circus and then started his own Lee Bros. Comedy Circus.

He toured the midwest states with Louis T. The first lone pacer, backed by a stable of running horses.

In 1924 he formed the Lee Billposting Co. in Milwaukee, of which he was still the head at the time of his death.

His five sons, Frank, John, Harry, Bernard and Robert followed him into show business. All save John, Jr., survive him.

ESTHER LYONS

Esther Lyons, 74, who had played Shakespearean and other roles in her younger days, died in Elizabeth, N. J., Oct. 28. She had played with Frederick Ward, Maurice Barrymore, Joseph Jefferson, Joseph Haworth, and Marie Prescott. She was a close friend of Edwin Booth. She was married to E. L. Robinson, theatrical and circus promoter and one-time

coach and playing in hotel dining rooms. Later he played in various western stock companies and was in the original cast of 'Why Smith Left Home.' He went to work for William A. Brady and for him produced, among other plays, 'Life,' 'Lover's Lane,' the all star revival of 'Uncle Tom's Cabin,' 'The Sorrows of Satan,' 'Foxy Grandpa,' 'Frenzied Finance,' and the Grace George version of 'Divorcors,' both here and in London.

He was co-author of 'Putting It Over' and 'The Blue Envelope.'

FRED KOHLER, Sr.

Fred Kohler, Sr., 49, screen actor, died of a heart attack Oct. 28 in Hollywood. He was one of the oldest film heavies in point of service, and one of the few who survived the advent of sound. At the time of his death he was working in 'The Pure in Mind' at RKO.

Among his pictures were 'The Leatherneck,' 'The Dummy,' 'The River of Romance,' 'Under the Tonto Rim,' 'The Deluge,' 'Little Man, What Now?' 'West of Pecos,' 'The Plainsman' and 'The Buccaneer.'

Surviving are his widow and a son, Fred, Jr., who recently appeared with him in a father-and-son role in 'Lawless Valley' at RKO.

FRANK H. STOWELL

Frank H. Stowell, 64, who was in the circus business for many years and was an occasional contributor to VARIETY, died in his sleep Oct. 29 at his home, 5 Maple Avenue, Fort Edward, N. Y. Death was due to a heart attack.

Born in Seneca Falls, Mr. Stowell passed his early life in the circus business and was well known in that field. After the death of Sig Sautelle, Mr. Stowell, who had been willed the Sautelle title, continued to send the Sautelle Circus on a circuit. He is survived by two daughters; a son, two sisters, and four grandchildren.

C. D. HAUG

C. D. Haug, 51, manager of the Empire theatre, died Oct. 25, in a Birmingham hospital after an illness of several weeks.

He was a veteran in the theatre business, having been in exploitation work on the road for Metro-Goldwyn-Mayer Studios. He had previously been manager of the Strand, Birmingham, later going to Missouri in theatre work.

Survived by his widow and a daughter.

NELLIE BEAUMONT

Nellie Beaumont, 68, sister of Rosalind, who died in Florida last May, expired at the State hospital, Concord, N. H., last Wednesday (26). After the death of her sister Nellie became melancholy and several weeks ago disappeared from a window at their home, Georges Mills, N. H., fracturing both ankles.

The Beaumont Sisters were for-

WHAT THEY THINK

Stage Profanity
Brooklyn, N. Y.

Editor, VARIETY:

For past 20 years VARIETY has been the household word in our family circle. We never attend a musical comedy, drama, or even play unless we first read the criticism about it in VARIETY. Several weeks ago we read good old vaudeville is being resurrected, or trying to. Since it had gone into oblivion, radio broadcasts have been a blessing. They bring to our home many of our favorite musical comedy, vaudeville, and screen stars.

However, it was a treat to welcome vaudeville back to the beautiful Strand theatre within the past four weeks. We have enjoyed it immensely, but if the last week's bill is a sample of the coming vaudeville shows, then it is just too bad it ever was revived.

It might interest Mr. Nils Granlund to know that we Brooklynites have a measure of self-respect and hope to set a good example for our offspring. I must confess our children of today are swing-babies, and shall I say jitterbugs, and it is a pleasure to see them dance to the rhythm of Tommy Dorsey, Benny Goodman and Russ Morgan's music. Very often I find them doing their homework while listening to Wayne King's relaxing program or the other smooth orchestras. This proves they enjoy the things we oldtimers have enjoyed many years ago. These youngsters I am referring to are students of Catholic high schools and colleges in Brooklyn. They are privileged to visit our downtown theatre twice a week and, as they bask over the shows they attend, they were not permitted to attend the performance at the Brooklyn Strand.

I had reviewed the show at the Strand and enjoyed the photoplay, "Broadway Musketiers." However, the stage-show was not fit for man, woman or child to see, regardless of color or creed. The comedy team—if you can call it comedy—Peterson and his partner sent over the footlights—every other word was either h—l or d—m, and I was surprised to hear N.T.G. join in on that sort of language. The suggestive conversation that was carried on stage I believe was as embarrassing to those poor kids doing a four-day as it was to our group of ladies out front. The Strand is under such fine management and far too beautiful a theatre to let this incident pass by without sending in comments on it. I remember when the actors' dressing rooms held a notice, "no profane language."

Please don't misunderstand me. I am not an old maid or a religious fanatic. I laid my old gray bonnet away a long time ago and we join our small fry in all their festivities. But I was requested to write you. So please help us to enjoy the real vaudeville days that used to be. After all, Albee Square Flatbush Extension and Fulton street is the "Gay White Way" to Brooklynites; and Fulton street is our mothers, grandmothers' and great-grandmothers' Memory Lane.

Veteran Reader from Flatbush.

In re: the Samba
Jackson Heights, N. Y.

Editor, VARIETY:

Have been both amused and annoyed at the increasing popularity of the Samba. As the time is approaching when several people will claim to have presented it first here are a few facts for the record that may interest you.

To my knowledge, the first mention of the dance in the press was in the letter that I wrote you from Rio de Janeiro, which you so kindly printed in the April 13 issue of VARIETY.

Being terribly enthused with this dance I had written Arthur Murray from Brazil to ask him to sponsor it as a ballroom dance and also several clubs and hotels. For instance John Roy (Rainbow Room), the Ambassador hotel and Versailles, any one of whom might have been the first to introduce the dance through us. Apparently they were not interested.

Upon my return to New York I invited several dance teams to my apartment at Hampshire House to hear the records and see the ballroom version, among whom were Caperton & Columbus, the D'Vons, and Dario de D'Almeida, as well as several orchestra leaders.

Dario intended to open a club called the Samba but lost his backers so sold the lease to the present owners of El Rio. A couple dance teams

immediately went to Alberto Galo to get Samba routines. Galo refused as he had agreed to work on an exhibition dance for us. We showed him the ballroom steps and also some native movements and he, being from the Latin countries, arranged the routine easily.

I tried to sell it to Sam Sax of Warners as a short and also to have it published through their subsidiary, Music Publishers Holding Corp., but Victor Blau said it had no value as a song.

The amusing part is that John Roy, Prince Obolensky (Hotel St. Regis), the Ambassador, and Versailles lost the opportunity of presenting it first. What annoys me is that we have not played New York this season and receive no credit whatever. Of course it takes more than one person to make a dance craze. Samba has been popular for a long time down in Brazil. I believe we were the first to see its possibilities, however. At any rate we did a lot of work on it. Well that's show business. Interesting isn't it?

If you have followed the development of this dance as closely in the papers as I, you will recall that it was presented at the opening night of El Morocco, and I believe played at the Stork and Versailles. Marion Cooley gave a Samba Soiree at the Pierre hotel Sunday last. El Rio has been playing Samba as well as the Arthur Murray teachers to instruct the patrons. I did not teach Arthur Murray this dance. I believe Charley Barron, of Barron & Blair, who followed us in Rio, showed it to him. They are appearing at El Rio. The Gertrude Dutton Studio is teaching it and had photos in the New York papers as well as a description of the dance. Most of this has been syndicated by Associated Press.

We did not dance to Ravel's "Bolero" first, as many people think. Ramon, of Ramon & Rosita, danced it at his club El Patio first but it was new and did not mean in show business. I did not dance to Ravel's "Bolero." As Gomez & Winona danced it in Billy Rose's "Crazy Quilt" and it was a sensational hit. Shortly after that we danced it for one year at the St. Moritz hotel. I believe this did as much as anything to make the dance popular for teams, as from the very first almost every team in show business did it. I did not dance to Ravel's "Bolero." As Gomez & Winona were on the road for that year we danced it in all the New York theatres as well. After playing mostly in New York hotels for three years we went on the road and were met everywhere with "Don't let us you dance the Bolero also." Perhaps this even things up, or something.

Eddie Root,
(Minor and Root).

Harry Conn and Jack Haley
Beverly Hills.

Editor, VARIETY:

Your last issue says "top writers set adrift" by Jack Haley show. The truth is that I returned a contract play-for-pay for \$10,000 to Haley through the Arthur Lyons agency. This is because Haley had me in collaboration with four writers ranging in salary from \$50 to \$250 weekly.

Haley wants to do surefire old gags. I wanted him to do smarter and fresher material, and he favored the surefire way, which did not get him any place on the Log Cabin syrup program. They dropped the show, and I wanted a show that would last. Please correct this statement, as it is doing me plenty of harm. The Arthur Lyons office, which manages both me and Haley, will verify this. I was not dropped—I quit. My contract was for 13 weeks, play or pay.

Harry W. Conn.
Amateur Songsmiths
New York.

Editor, VARIETY:

I was interested in the story in your issue of Oct. 19 on amateur songs and the publishers' reaction to them. Want to add that a majority of the reputable publishers are now referring all unsolicited manuscripts to The Songmart, of which I have been the president. The publisher's letter either implies or states definitely that the manuscript is not being examined. At the same time the publisher cannot be accused of ignoring or unduly discouraging the amateur, since he is showing him the open practical way of securing attention for his manuscript.

We believe in telling the amateur the truth, and we carefully avoid any suggestion of the cheap soap that is characteristic of the professional song shark. We never claim that we can get a manuscript pub-

lished, but we do promise to secure for it a bona fide hearing if it has enough merit to warrant submission. The mere fact that every manuscript coming to this office is stamped with our name and the date of receipt serves as a definite registering, and eliminates any possible questions of priority or common-law copyright.

Even though we often have to tell amateur songwriters some unpleasant truths, the publishers are frankly delighted because they no longer have to worry about litigation and are at the same time relieved of the embarrassing criticism that has been so common, implying that Tin Pan Alley is a closed corporation and will never give a newcomer a chance.

The decrease (which you emphasize) in the number of unsolicited manuscripts received by the publishers may be partly due to the fact that a great many of these manuscripts are coming to us directly, since so many amateurs have discovered that they are wasting their time and postage by addressing the publishers. The leading executives of ASCAP are heartily in favor of our organization.

We have actually succeeded in placing a surprising number of songs, and in such cases we do not cut in on the royalties at all, simply arranging for the composer to get the regular songwriter's contract from the publisher.

We are not deceiving ourselves as to the possible value of amateur manuscripts, for we know as well as anyone else that the majority of them are worthless. At the worst, however, we can save the gullible novice considerable money by telling him the truth.

Sigmund Spaeth.

Bob DuPont Objects

Editor, VARIETY:

I would like to know where your London office got its information regarding jugglers. I started in 1902 and can show you my first notice in the "New York Clipper of April, 1904, at the American Music Hall, New York, where I did a comedy juggling act. As my first successful comedy juggler was W. C. Fields; then came O. K. Sato, Ed. LaVine, Rella, Redford and Winchester, et al.

Until 1921 nobody ever heard of Rich Hayes or Stan Kavanagh, who were good performers, but did nothing original. When you credit Rick Hayes with my apple trick, you are doing a great injustice to me. This trick has been my trademark for 30 years. Rich Hayes did only ball bouncing and I challenge you to prove that I am wrong. I will donate \$100 to charity if Rick Hayes did the apple trick.

This is my first bad notice in VARIETY and I don't mind telling you that you hurt me very much.

Bob DuPont.

[Mr. Dupont entirely overlooks James Harrigan and Charles T. Aldrich. He also is in playing Fields before O. K. Sato. Ed.]

CIRCUS ROUTES

Week of November 7

Barnes, Sen-Flo
Atlanta, Ga.; Anniston, Ala.; Birmingham, 10; Montgomery, 11; Columbus, Ga., 12.

Probable Football Winners And Proper Odds

(November 5)

By NAT KAHN

GAMES	WINNERS	ODDS
Tulane-Alabama	Alabama	Even
Rice-Arkansas	Arkansas	Even
Auburn-Villanova	Auburn	5/5
Baylor-Texas	Baylor	2/1
Indiana-Boston College	Boston College	7/5
Brown-Yale	Yale	Even
Bucknell-Georgetown	Georgetown	2/1
California-USC	USC	5/8
Carnegie Tech-Pittsburgh	Pitt	3/1
Colgate-Syracuse	Colgate	7/5
Georgia-Florida	Georgia	9/5
St. Mary's-Fordham	Fordham	2/1
Kentucky-Georgia Tech	Georgia Tech	2/1
Iowa-Minnesota	Iowa	2/1
Nebraska-Kansas	Nebraska	8/5
Lafayette-Penn State	Penn State	2/1
North Carolina State-Manhattan	Manhattan	Even
Penn-Michigan	Michigan	3/1
Michigan State-Missouri	Michigan State	2/1
Notre Dame-Navy	Notre Dame	2/1
Wisconsin-Northwestern	Northwestern	2/1
Purdue-Ohio State	Ohio State	2/1
Idaho-Oregon	Oregon	7/5
Texas A.M.-SMU	Texas A.M.	2/1
Washington-Stanford	Washington	Even
UCLA-Washington State	UCLA	2/1

(Predictions Based on Fair Weather)

Union Pacts Set for Golden Gate; Will Permit Closing of Deals

CHOOSEY PICKER-UPPER

Carolina Youth Goes to Jug for Swiping a Gila Monster

Charlotte, N. C., Nov. 1.

Jasper Williams, Angier youth, was convicted in the county recorder's court at Lillington Thursday on a charge of stealing—of all things—a poisonous lizard.

Arraigned before Judge Floyd H. Taylor, he entered a plea of guilty of taking the lizard, described in the warrant as a Gila monster.

The lizard was stolen Saturday afternoon from a medicine show which was playing Angier. Shortly after the healer-of-all-things discovered his loss, a search was begun, and the lizard was found unharmed in a barrel on the outskirts of town. Clues pointed to Williams, and J. C. Miles, the operator, swore out a warrant against him.

Between-Halves Capers

These Days Very F&M

Pittsburgh, Nov. 1.

Shouldn't be long now before they're booking floor shows into stadiums for between-the-halves entertainment at big football games. They're doing everything else now. The college bands have replaced the cut-and-dried Alma Mammy with swing music, they're going in for production on a lavish scale, and the formations of the cheering sections are very Busby Berkeley.

University of Pittsburgh, with its greatest football team in history, seems to be taking the lead in injecting show biz into the lulls at the big gridiron spectacles. They started in the Pitt-Southern Methodist game the week before last and elaborated before the 75,000 crowd at the Pitt-Fordham meeting on Saturday (29).

Used to be that at the end of the first half, the brass bands of the competing schools would march down the field in military formation playing a Sousa march and wind up in front of the student section, with the spectators standing with bared heads at the sound of the Alma Mater. Now it's "Tisket A-Tasket" and "Alexander's Ragtime Band" in swing time.

For the Fordham game, Pitt band had a co-ed trucking down the gridiron in the cheering section chorusing the respective answers to "was it red?" or "was it blue?" as the orch on out on the field waved patches of those colors between blows. Other jazz-time formations, too, with ensembles very Fanchon & Marco.

In another year, they may be booking name bands for guest shots with the college bands on every fall Saturday afternoon.

San Francisco, Nov. 1.

After eight months of dickering, the American Federation of Musicians, Local No. 6, and the Golden Gate International Exposition for 1939 got together on a contract which was inked last week by Manager Harry Connick of the expo and Eddie Love, secretary of the AFM, Local No. 6. Pact calls for expenditure of \$450,000, almost double the amount of the contract for the Chicago Century of Progress.

Fair will be able to hire foreign bands and as a consequence Connick will make immediate arrangements for such musical units. School bands, which have been a big headache to AFM on the coast, also will be allowed on the grounds.

Earlier in the week Connick and Ralph Whitehead, executive secretary of the American Federation of Actors, agreed on salary and working conditions for actors at the fair. AFA contract with expo provides for a wage scale between \$35 and \$65 a week.

Now that these contracts are out of the way, Connick has promised to go ahead and complete arrangements for a number of shows which have been on the fire for several months pending the signing of these contracts. Expo has stalled so long in revealing anything on what it is going to do on the show end that there are plenty who have been doubting the success of the fair from the entertainment standpoint.

Kenneth Thomson, executive secretary of Screen Actors Guild, and the fair officials had some difficulties in trying to get together last week on the appearance of film and radio stars at the fair. SAG wants to have its members paid a straight appearance fee. Thomson claims that the general attitude of the fair officials here was that they could use records and that they didn't care whether any players appeared.

Name Maestro

With the signing of the AFM contract out of the way Connick revealed that he has already closed a contract with Edwin Franko Goldman who will bring his band to the Coast during the fair. Financial terms have already been set with Arturo Toscanini for a series of appearances with the NBC Symphony Orchestra. Certain details in connection with the Toscanini deal are still to be ironed out by Connick. However, Connick is confident that the inkling of a contract with the Italian director will take place in a short time.

Deal with the musician's union on broadcasts will enable the exposition to participate in an extremely heavy schedule of programs over all three major networks as well as over local stations. These may reach as high as 30 a day.

The AFA contract provides that there be no stoppage of work during the expo. Contract also calls for a six-day week except for those in ballet routines. Ballet dancers will work seven days and will get an extra day's pay.

Native entertainers also will be able to perform at the expo without becoming members of AFA, providing they appear in native dances and are natives of the country which they represent. They must also be here just for the fair. Contract also sanctions the presence on the grounds of a supervisor who will see to it that the expo is living up to its contract.

85% of the space on the midway is said to have been sold. 35 foreign nations have signed for space at the fair which is practically sold out. Connick expects a gate between eight or nine million dollars.

With reference to shows on Treasure Island, Connick said that he would shortly reveal his plans for productions. He denied allegations that the fair will be wide open, pointing out that California laws on gambling make impossible for the fair to be a modern Monte Carlo. Religious groups are said to have a pretty strong hold of the fair. One of the first shows which this group clamped down on was the revival of the "Barbery Coast" at the fair. The idea of setting up a duplicate of the old "Coast" at Treasure Island has been squelched by the church element which will have a big T-ample of Religion on the island.

"All rhythm and a smile wide" * * *



eddie de lange

and his orchestra

* * * * * Alive,
fresh. Here's music wrapped in box-office
cellophane. Now sweet and soothing rich
in rhythmic lilt . . . Now toasted, hot with
the flush of youth . . . about to conclude a
most successful engagement at the Raymor
Ballroom, Boston, with a new high gross
for the season * * * * *

Opening November 7, at
THE BANDBOX, NEW YORK
Broadcasting over the NBC network

Eddie De Lange and his Orchestra
Exclusive and prolific
Victor (Bluebird) Recording Artists

Eddie De Lange writer of
the top pop hit
"So Help Me"
and also currently
"Deep in a Dream"
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64 PAGES

FAIR AND B'WAY IN B. O. TIE

CBS, MBS in Radio City Some Day?

Reported that there is talk among the Rockefeller interests of inviting the Columbia Broadcasting System to move into Radio City. If a deal could be made Columbia would have the alternative of having a structure put up all for itself or have its name attached to some present building. By a move of this sort CBS would diminish the thunder and prestige now contained in NBC's Radio City announcement. Mutual has already declared that were CBS to take up quarters in Radio City, MBS itself would become a tenant in the same sector. Thus it would be truly 'Radio City.'

Possibilities are that CBS may never build on the site that it owns at 57th street and Park avenue. Engineering circles understand that the network has reconciled itself to the improbability of eliminating the vibration caused by the passing trains along the New York Central underground tracks extending up Park avenue.

NAME MAESTROS PICKING OWN PIX ON B'WAY

cramble for name band attractions and acts is reaching a feverish point in New York, not only because of requirements for the immediate future, but due to an effort on the part of managers and bookers to tie up talent far ahead. Other complications include the stance taken by bands which are bickering over offers that don't carry contractual commitments for more than a single week.

Bands that are in demand are also getting capacious about which picture they will play with, if accepting engagements; also bands at which the house booked they will follow. The band leaders, and their agents emphasize that playing with a weak picture on Broadway isn't going to help them. If the gross is above average it must rebound to their benefit in many ways. Not the least of the benefits accruing are theatre, hotel, night club or other dates.

In the Broadway band field the heavy bidders are the Paramount, Strand and State. Much maneuvering is occurring in an effort to get desired combos lined up as far in advance as possible. Some of the orchestras won't take single week bookings; two weeks or nothing.

HOOFING ON % BURNS OTHER PHILLY TERPERS

Philadelphia, Nov. 8.

Terp duos current at niteries here are doing a private bout at the Arthur Murray dancers now working in the new Burgundy Room of the Bellevue-Stratford. They claim the Murray rug-cutters are wrecking biz for the legit terp teams. According to their theory, Murray people give lessons in dancing to guests at so much per, splitting the gross, 25% to the house, 25% to Murray and 50% for themselves.

Squawkers claim that not only

(Continued on page 48)

Carnegie Hall Woos The Jitterbugs Anew; To Encore Goodman

Carnegie Hall, New York's staid home of symphonies, is negotiating for Benny Goodman's orchestra to repeat its concert of early this year.

First one was more or less the idea of his handlers, but the currently contemplated return springs from many public demands direct to the Hall.

If the stunt goes through, it won't be dated before the latter part of January. Paul Whiteman waves his baton at the Hall on Christmas Day and an earlier Goodman date might conflict.

Not to be outdone by Benny Goodman who piped Mozart at N. Y.'s Town Hall Saturday (5), Artie Shaw, arch rival of Goodman, will tote his clarinet to Carnegie Hall for the Whiteman concert. The jazz dean is planning to include him, Louis Armstrong, and the Raymond Scott Quintet in his Hall concert Xmas Day.

Armstrong is set to trumpet '135th Street,' George Gershwin's first opera based on a Harlem theme. Raymond Scott will work with Morton Gould, Duke Ellington, and three others in composing an original opera for Whiteman for this date.

OPERA BUSH LEAGUE, MET MANAGER'S IDEA

Philadelphia, Nov. 8.

Establishment of an operatic bush league, with units in principal cities throughout the country, to polish up future stars for the Metropolitan, is the aim of Edward Johnson, Met manager, it was revealed here this week.

Idea springs from Johnson's determination to bring opera back by developing American singers. He feels that opera is weakened by the necessity of going abroad every time an experienced warbler is needed. Aiding him is Mrs. Randal Morgan, Philadelphia socialite and chairman of the Philly Opera Guild committee, an adjunct of the Metropolitan Opera Guild of New York.

DETAIL PROBABLE BENEFITS TO ALL

Times Square Figured to Cash In as Much as Flushing Meadows Expo—Broadway Advisory Committee Meets with Whalen on What the Big Crowds Must Mean to All Show Biz—Girly Shows, Hotel Plans, Etc.

NEW YEAR'S TOUCH-OFF

Most comprehensive promotional plan for New York's World Fair of 1939, designed to benefit Broadway months before the exposition starts, was unfolded Monday (?) by Grover Whalen to the advisory committee on entertainment. The fanfare will start on New Year's Eve, and much of it will extend along Broadway and Seventh avenue, from 42d street to Central Park.

Asking for the full cooperation of the committee and explaining the fair is not competing with Broadway, but is aiding it by bringing into the metropolis between 70,000,000 and 80,000,000 people, the committee was told how it could help promote the expo. One suggestion is to have the canopies or electric signs superseded by the fair's slogan, 'Dawn of a New Day,' title of the theme song for the fair. Melody was composed by the late George Gershwin, discovered in his effects after his death by Gene Buck. Later, Ira Gershwin wrote the lyric. The slogan supercedes or is supplementary to the original phrase, 'the world of tomorrow.'

New Year's eve will find World's Fair flags, bunting and numerous novelties anent the fair, in general display and use in the theatre zone. The Gershwin song will be widely broadcast on the radio. Souvenirs of all types, newsreels and other stunts have been arranged.

On New Year's day 'Dawn of the New Day' non-sectarian service will be held in Radio City Music Hall, the theme being 'Peace and Progress in the World of Tomorrow,' and there is to be a 'Salute to the Nations.' Stated that starting with the first of the year and until the April premiere, leaders of European countries have promised to go on

(Continued on page 25)

HIS OWN BALLYHOO

Spartanburg, S. C., Nov. 8.

John Henry Titus, 92, who claims to be the author of 'The Face on the Barroom Floor,' is in Dixie on lecture tour. Affecting somber dress with long white hair and a dignified appearance, poet, however, is not walking advertisement for the dry element.

'I've been drinking most of my 92 years,' he said, 'and liquor has never hurt me.'

Great Britain Reported Flirting With Anti-Flight-of-Capital Laws

Radio's Growth

Washington, Nov. 8.

Individuals looking for slightly-used broadcast stations today, can look back to 1922 as a real bargain-basement for transmitters.

Turning up in a last week's decision okaying a request for an \$8,110 transmitter for Amarillo, Tex., is evidence that you could buy 'em cheap in the good old days. J. Linger Nunn, owner of 25% of the stock in Amarillo Broadcasting Corp., successful applicant, identified as follows with the radio industry of 16 years ago: 'At one time Mr. Nunn owned Station WDAG at Amarillo, Texas, which he sold in 1922 for \$50.'

Nunn's net worth in 1938 is listed as \$577,407.

London, Nov. 8.

From government representatives charged with handling film industry and quota matters, there is growing indication that Great Britain next year will sponsor legislation to hinder the flight of capital from the country. Or, at least, to regulate it on a percentage ratio.

Specific attention is being directed to American picture companies doing business in England with theatres and distribution. Legislation will take the form of a tax on withdrawal of funds, which may amount to 15, 25%, or even more, of the 75% net proceeds American firms derive from distribution of American and British product. A 15% tax on theatre profits taken out of the country is also not unlikely.

Belgium was the first European country to impose a 15% tax on financial proceeds withdrawn by foreigners. Germany, Italy and other countries have gone beyond this and have practically entirely prohibited money from being taken out.

The 1938 trend in Great Britain is toward combination of theatre chains. The British government is not viewing this development with any great alarm, but it has and will continue to fight any amalgamation of theatre properties owned, managed or controlled by Americans. Amalgamations of actual properties or combined booking arrangements between such chains as Gaumont British, Odeon Theatres, Maxwell's ABC chain and the Sydney Bernstein Circuit are inevitable. On the whole, American distributors are not going to be perturbed about this. To the contrary, a more wholesome benefit is anticipated through more concentrated and widespread booking of American pictures, with resultant lessening of distribution and selling costs.

FILM HISTORY OF '4 COHANS,' NEW PLAN

Pittsburgh, Nov. 8.

Picture deal which George M. Cohan and Metro are now working on would have the actor in only a few scenes, he said here last week. It would be a history of the Four Cohans, following them from their vaude beginnings to the present, with Cohan himself writing the script, supervising the production and acting in it only briefly.

No contracts have been signed yet, Cohan stated, with everything but price hanging fire. Money, said to be around \$300,000, has already been agreed upon, but Cohan wants to have other details clearly defined before going to Hollywood, recalling his unhappy experiences there when he made 'The Phantom President' for Paramount six years ago.

Film would be made after present tour of 'I'd Rather Be Right,' which still has six months on the road, is completed. Star has softened some what in his attitude towards film colony but laughingly observed that he might be taking his life in his own hands by going out there again after the old blasts he took at the film industry.

Cohan has been conferring with M-G execs in New York every week-end, leaving whatever town he's playing every Saturday night and rejoining troupe at the next stop the following Monday evening. Actor said he's stated clearly what he wants in the film setup and made it clear that everything's up to Metro now.

'MIXING' COMPLAINT LOSES HER FTP JOB

Sally Saunders, crux of the Dies Committee investigation of Federal Theatre Project, through her complaints against mixing of white and colored casts, and alleged communist activities, has been dropped from the payroll of Uncle Sam's theatre. She has been in weekly contact with the Committee, reporting on developments in her case, and this week informed the sherlocks of her dismissal.

Official reason for discharge is quoted as 'refusal to accept work assignments.' To this, Miss Saunders answers that she has been offered nothing but roles in three Negro plays. Trouble started over WPA's first musical, 'Sing For Your Supper' which has been postponed several times, and has led to 'Life and Death of an American,' 'Whelp and the Lion' and 'Haiti,' latter nearly all-Negro.

Ingenue claims that others who

(Continued on page 63)

BROADWAY-HOLLYWOOD ACCORD ON LEGIT PRODUCTION SOON—SHERWOOD

**Dramatists Guild Prez Sees Early Understanding on
Film Financing of Plays—'Wharton Plan' Favored
—Confab Not Attended by Film Representatives**

Settlement of the Broadway-Hollywood split over the question of film financing of legit production may be reached in about a month. That prediction was made Monday (7) by Robert E. Sherwood, president of the Dramatists Guild, at the organization's annual meeting at the Lincoln hotel, N.Y.

According to Sherwood, the so-called 'Wharton plan' would be the basis for cementing the legit-picture breach. He stated that 'this scheme is still in such a formative state that it is impossible for us to give it serious consideration at this time' but added, 'I am beginning to be hopeful that it may bring us to a solution of a problem in which we are all concerned.' Plan in question was originally proposed by John Wharton, theatrical attorney, and has been studied and developed for the last year by Wake Wilson Warner Bros. story editor and Luise Sillcox and Sidney R. Fleischer, for the Dramatists Guild.

Although the scheme has been in the works for nearly a year, there is believed to be a new angle to it which is responsible for the confidence of Sherwood and the others that a settlement may be reached. Just what the new development is has not been learned, but it has apparently altered what was a feeling among Dramatists Guild officers and members that the Wharton plan offered little prospect of solving the problem. At any rate, the final details are now being worked out by attorneys, after which the plan will be submitted to the Guild council and membership. If approved by them, it would be up to the individual companies to accept it.

No Film Attendees

Contrary to prediction, no film company representatives attended Monday's meeting of the Guild. However, in his report, Sherwood referred to the rumored dissatisfaction among Guild members over the way the minimum basic agreement has worked out. In that connection he said, 'This criticism may be summed up as follows: That the clauses in the present agreement relating to the film rights are calculated to benefit the established, successful dramatists at the expense of those who are unrecognized, and who therefore face great difficulties in achieving production of their plays. In other words, the Guild should make concessions to encourage the return of motion picture capital and thus increase the number of productions in the theatre.'

'Naturally, those of us who are officers of the Guild and therefore the chief targets of this criticism have been vitally concerned in determining its source. Does it come from within the Guild, from interests outside the Guild? Careful investigation reveals that there have been four cases of young dramatists who believed that their plays might have been produced had there been a chance of gaining motion picture backing. Aside from that, we have no evidence of any dissatisfaction within the Guild.'

'However, it is my conviction that, as long as the motion picture companies are indicating a desire to support the theatre with new capital, your officers and council should make every conceivable effort to find ways and means of reaching an agreement with them.' It was later, in answer to a member's question from the floor, that Sherwood offered the opinion that a settlement might be expected in about a month.

Cites Good Legit Season

In another portion of his report, the playwright expressed satisfaction with the way the basic agreement is working. 'Dark predictions were made two years ago,' he said, 'that the agreement would end the Dramatists Guild and the theatre itself. But inspection of last week's VARIETY shows 27 productions on Broadway, at least 18 of them doing profitable business. There are 25 productions on the road, including six tryouts. Prospects for the remainder of the season are better than they have been for many years. Every important management has now signed the minimum basic agreement.'

Evidence that the membership also is satisfied with the workings of the

basic agreement was also seen in the reaction to a statement by one of the younger members in defense of the officers and council. In effect he expressed satisfaction with the agreement and determination that no concessions should be made in regard to it. Broadway has gotten along all right without Hollywood coin for two seasons, he concluded and could continue to do so. He was roundly applauded by the meeting.

In regard to any possible revision of the film rights of a play before that the Wharton plan would not involve any such concession. Instead of requiring any revision in the agreement, it would merely supplement the existing pact. As had been reported before, the Wharton plan in general calls for the disposition of the basic agreement of a play before legit production and to the studio which backs the stage production—the backer to pay an advance against royalties for the film rights and as added royalties a fixed percentage of the gross weekly boxoffice receipts of the play as long as it runs, in addition to the regular play royalties.

Other matters touched in Sherwood's report included the proposed summer dramatic festival at Dartmouth College, to be handled by the Dramatists Guild; the Dramatists Play Service; the Golden and Rockefeller playwright fellowships. Meeting also elected 10 council members to serve three years. They include Marc Connelly, Lorenz Hart, Moss Hart, Sidney Howard, Howard Lindsay, Kenyon Nicholson, Elmer Rice, Arthur Schwartz, George Siskar and Rita Weiman. Entire council includes 30 members, 10 of whom are elected annually.

Powell Recovered, Back At Metro for 'Thin Man'

Hollywood, Nov. 8. William Powell, restored to health after a long illness, signed a new contract with Metro. First picture under the new pact will be 'Return of the Thin Man,' co-starring with Myrna Loy.

Film starts in January, W. S. Van Dyke directing.

Miss H'wood

Hollywood, Nov. 8. Shirley Temple is the lone star appearing on the 1938 Christmas cards designed by the Motion Picture Relief Fund.

Nedda Harrigan, in charge of distribution, reports 10,000 cards have been sold so far.

QUEEN OK'S 'SUEZ' BALLY

London, Nov. 8. Queen Mary has consented to attend the opening of 'Suez' (20th-Fox) at the New Gallery Cinema Nov. 25.

It's the first time that the queen has permitted her name to be used in advertising copy on the premiere.

GALS GET ROUGH

Hollywood, Nov. 8. Femme battle in Paramount's 'Cafe Society' became so realistic that Shirley Ross is laid up for several days with a sprained ankle.

Miss Ross tripped over a lamp cord while clinching with Madeleine Carroll.

Raft's 'World's Applause'

Hollywood, Nov. 8. George Raft gets the top spot in Paramount's 'World's Applause,' originally titled 'Caviar for His Excellency.'

Harlan Thompson production starts rolling Jan. 9.

B.O. UPBEAT AS ELECTION ENDS

With elections over, grosses are expected to immediately pep up throughout the country. Pre-election activity usually affects all show business.

Elections yesterday (Tues.) were held in 47 states and was a half holiday for most persons. A total of 35 senators and 32 governors, plus lesser running for various offices were elected.

L. B. Mayer Sued For \$500,000 on Slander Charge by Neblett

Los Angeles, Nov. 8.

Louis B. Mayer was sued for \$500,000 by William H. Neblett, attorney, who charges the studio exec with making defamatory statements about him Nov. 9 to Nicholas M. Schenck, Leo Spitz and Attorneys Mendel Silberberg and Isaac Pacht.

On that occasion, the complaint reads, Mayer accused Neblett of boasting that he could influence the Assembly Capital and Labor Committee to put the International Alliance of Theatrical Stage Employees out of business, if Mayer would hand him enough money.

SAILINGS

Nov. 11 (New York to West Indies) Mr. and Mrs. William A. Seiter (Santa Elena).

Nov. 5 (New York to Buenos Aires) (John B. Nathan (Argentina).

Nov. 5 (New York to London) Viscount Escher, John G. Baragwanath (Europa).

Nov. 12 (New York to London) Mr. and Mrs. John Abbott (Scythia).

Nov. 4 (New York to London) Gladys Stanley, Richard Collett, Stephen Fallos, Gary Cooper (Queen Mary).

Nov. 4 (London to New York) Jussi Bjorling, Louis Bromfield, Edward Stirling, Rudolph Klop, Alexander Kipnis, Kenneth Berkeley (Washington).

N. Y. to L. A.

Eddie Acuff.
Scott R. Dunlap.
Glenda Farrell.
Mortimer Fishel.
Marcel Hellman.
Edmund Grainger.
Andre Kostelanetz.
Marc Lachman.
Janet Martin.
Mr. and Mrs. Pat O'Brien.
Laurence Olivier.
Flora Robson.
Irene Seidner.
King Vidor.
Harry M. Warner.

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Working Press

By BILL HALLIGAN

We sat high up in the Princeton stadium press box shivering in the Jersey twilight, the empty quart of Bourbon beside us a silent reproach to my lack of foresight. Jimmy Cannon, crack sports reviewer, struggling valiantly against the rapidly approaching dusk, pounded out the last few sentences of his stint on a Royal portable whose threadbare ribbon looked like it might have been in Barbara Frietchie's hair.

Toney Betts, the Evening Post's racing prognosticator, on a busman's holiday, looked at me with cold contempt. The next time you bring nomenclature to a press box, he cautioned, 'keep it away from these vodka dunkers. Here I am in the Saturday night of my life, and not a drink in sight.'

'There would be plenty of them visible: if we had an ex-ray,' I cracked.

'If I had any money,' Toney went on, ignoring the bon mot, 'I know where we could get a libation.'

'Lead me to it,' I said. 'I saved plenty today by ducking those horse rooms.'

'The mistake I made,' mused Toney, 'was betting on Keats' selections. Keats was Toney's rival on the Daily Mirror. 'Keats hasn't any money, either; he's been playing mine.'

'Think of me,' I sadly reminded him; 'I've been following you both.'

Five minutes later we were in the club car of the football special tapering off on Park Avenue and me, suspiciously. 'How come you pal around with sports writers all the time?' he deweyed. 'What have they got Hedy Lamarr hasn't got?'

'I like them,' I said. 'They have plenty of color; besides, they're all pretty good fellows. Can you tell me where you can find a sweeter guy than Cornum?'

'You would pick out the Man-of-War of the tribe,' said Toney. 'Cornum always speaks well of you, too.'

'You keep your nose clean, Toney,' I cautioned, 'and you must wind up with the chips. Look at Tom Thorpe getting a C note a day plus all the dignity that goes with a presiding steward in the starboard New England in the summer and Florida in the winter.'

'Nice work if you can get it,' said Betts, 'but I don't happen to be named Yes-Man out of You-Said-It-by-Kowtow.'

'And Frankie MacDonald out in Detroit,' I continued, 'boxing communism and Jack Conway in Boston representing the Massachusetts Racing Commission, all ex-sports writers turned racing officials. Those writers had what it takes; they called them as they saw them. Any mugg who can keep his skirts clean writing sports is a sure shot to wind up in the upper brackets. Remember, you are writing for the public and not the phoney fight promoters and gyp mutual plants, whose motto is 'Take till it hurts.' Look at John Hertz, the ex-Chicago sports writer who owns Arlington Park and the Yellow Taxis that take you out there. And Damon Runyon, Mark Kelly, Paul Gallico, Gene Fowler, Westbrook Pegler, Ring Lardner, Quent Reynolds and Bill Farnsworth, all getting rich...May they live long and prosper.'

'Well, there's a lot in what you say,' said Toney. 'Look at Frank Graham on the Sun. He hasn't got an enemy in the world. And Hype Igoe on the Journal, whose light is under a bushel...Best sports cartoonist in America, is Burr Jenkins...and Sid Mercer, writer.'

'How Dan Parker sticks on the Mirror is a mystery to me,' I interrupted. 'Parker is the answer to a Hollywood producer's prayer. A dialog writer who makes those 28-a-week guys look like a lot of last year's sweepstake tickets.'

'Maybe those West Coast glamour guys don't read,' orated Toney. 'They think the Satepost and Colliers Weekly must be for kids, or Gallico and Quent Reynolds would be living in Beverly Hills.'

'That's not such a bad spot,' I said. 'If Gene Fowler can stand it, they can.'

'Remember Harry Hochstadter, of the Chicago Evening Post?' I said, switching the locale, 'or was that before your time? Harry had more color and more real movie than a lot of hacks with red-sheet bylines. He got of hacks in Chicago blowing away in the days of Al Capone and Dion O'Bannion. A murderous malady hit him and he withered away to 90 pounds before he finally made his last deadline. A gamer sports writer never lived.'

'Let's drink to Hoch,'

and we did.

FEAR FAMILY PIX MAY BE OVERDONE

Although good b.o. so far, exhibitors fear that the cycle of series or group pictures is starting to be overdone. Nearly every major company, and some independents, have one or more family, adventure, thrill, doctor or similar series under way. Big urge to follow the routine of making groups of such features on one particular phase of life or individuals is obviously good business because to date a majority of them have proved real money-makers. None is great boxoffice, but the take is relatively high considering modest production costs.

However, with so many series or groups in the field, competition promises to be keen, that patrons may tire of the vague. Latest entries are 'Dr. Kildare' and 'Blondie,' but older ones include the Jones, Higgins and Judge Hardy families, 'Hopalong Cassidy,' 'Mr. Moto,' 'Bulldog Drummond,' 'Charlie Chan,' 'Annabel Affairs,' etc.

'Cargo' Loaded

Hollywood, Nov. 8. Twentieth-Fox rolled 'Dangerous Cargo' yesterday (Mon.) with Ricardo Cortez directing. Picture is the second of the 'Camera Dared' series.

Heading the cast are Preston Foster, Lynn Bari, Henry Wilcoxon and Wally Vernon.

FINEMAN FOLLOWS LUSTY OFF RKO LOT

Hollywood, Nov. 8. B. P. Fineman, associate producer at RKO, turned in his resignation, effective at the completion of his current picture, 'Beauty for the Asking.' Fineman had been with RKO since last December, making two films, 'Smashing the Rackets' and 'Tarnished Angel,' in addition to his present chore.

Lou Lusty's resignation as associate producer at RKO is effective Dec. 1. No announcement of his future plans.

In the 18 months since he left Columbia to join RKO Lusty produced 'The Affairs of Annabel,' 'Annabel Takes a Tour' and 'Fugitives for a Night.'

LIEBERMAN'S DUNKING

Hollywood, Nov. 8. Donald K. Lieberman, Coronado Pictures prexy, had two auto accidents near Mesa, Ariz., where his troupe is on location.

A broken steering gear caused his car to do a nosedive into an irrigation ditch. Borrowing George Hillman's coupe, he repeated the dive when the front tire blew.

L. A. to N. Y.

Barney Balaban.
Edna S. Carrington.
Sam Catlin.
Gary Cooper.
Stanley Cortez.
Irving Crump.
Y. Frank Freeman.
Robert M. Gilliam.
Stanton L. Griffls.
Nancy Hedrick.
Marc Holman.
Russell Holman.
Dorothy Lamour.
Lola Lane.
Alma Lloyd.
Fredric March.
Lily Messenger.
Everett Riskin.
Casey Robinson.
Nicholas M. Schenck.
Lou Smith.
Jack Waite.
Leonard Wolllams.
Patricia Ziegfeld.

ARRIVALS

Walter Futter, Laurence Olivier, Pedrag M. Markovic, Mme. Zinka, M. Markovic, Beatrice Lillie, Gladys Clathrop, J. Chester Cowdin, Vivian Leigh, Burton Churchill, Leslie Howard, Phil Reisman, Anna Neagle, Herbert Wilcox, Kirsten Flagstad, Ronny Johnson, Beatrice Straight, Alessio De Paolis, Maria Caniglia, Steve Garay.

ZUKOR'S BIG LONDON ORDER

KEEPING 'MESSAGES' OUT

From time to time the critics have editorialized on the timidity of Hollywood producers who shy away from contemporaneous controversial subjects in pictures. The film commentators profess not to understand why pix don't step into topical subjects.

To reflect contemporary thought in motion pictures is treading on dangerous ground insofar as film audiences are concerned. Of the 85,000,000 people who attend pictures every week in these United States are found millions of varied beliefs and trends of ideas.

In a recent survey it was definitely established that audiences demand that the pictures they go to see must be entertaining according to their ideas of what constitutes entertainment to them, and they deeply resent any intrusion of 'enlightenment,' no matter how subtly interwoven in the story.

Opinions are formed through the reading of newspapers and other media of the printed word, by public forums, in halls or on the air. Discussions of world-interesting topics can be had in the privacy of one's home, or in small social groups. Issues can be thrashed out and if bitterness in argument is the result, they still remain in the small circles where the discussions originated or under clearly identified partisan auspices. But it is vastly different when any of these discussions are flashed on a screen in the guise of picture 'entertainment.'

Taking newsreel theatres as an example, where world-renowned personalities and events are shown, hisses, catcalls, stamping of feet, booing and applause are intermingled by conglomerate audiences who have fixed opinions on the subject matter thrown on the screen. This in itself is a pretty sure indication of what would happen in motion picture theatres should Hollywood producers attempt to reflect 'contemporary thought' in their pictures, made for the entertainment of the masses.

Commenting on this phase of the picture industry the Syracuse (N. Y.) Herald (Oct. 23) in a lengthy editorial praising the Motion Pictures' Greatest Year campaign concluded with an opinion of the danger of 'controversial subjects on the screen:

Recently there has been pressure from groups dissatisfied with the producer's axiom that the commercial motion picture must concern itself with only entertainment. It is their plea that the screen has a social mission, and they would utilize the motion picture as a propaganda mission. At stake here is something even more important than the industry's sustained prosperity and continued dominance of the world market, both predicated upon the fact that Hollywood doggedly has concentrated on providing amusement.

'Specifically, the greater stake is the freedom of the screen itself. Permit it to become an instrument for the propagandist, however well-intentioned, and the first step has been taken towards a situation paralleling that existent in Russia, in Germany, in Italy and in Japan.'

Another thing these critics lose sight of in their anxiety to get the motion picture industry embroiled in propaganda is that the producers in the United States, in many instances, are hamstrung by representatives of foreign governments who, on slightest pretext, run to the State Department in Washington whenever a picture attempts to depict some contemporaneous scene and is inimical to the country they represent.

'Contemporary thought' critics forget that pictures made in the U. S. have a great foreign market and are the salesmen for good-will behalf of many other American industries. To jeopardize all this would be suicidal on the part of the Hollywood producers. Although these critics consider motion pictures an art, they must still realize that they are made for profit—to make their investments pay dividends.

Such controversial pictures that do deal with world events, their causes and effects, may be good boxoffice for the arty theatres which cater to special audiences who are always on the lookout for pictures that fit in with their thoughts on social and political questions of a contemporary nature. In these theatres they can applaud to their heart's content, especially if the film fits in with their ideas on the particular subject filmed. It is like the small social group who thrash out their opinions, but keep their arguments among themselves.

These are principal reasons why Hollywood keeps discreetly away from controversial pictures. The Coast's major problem is turning out entertainment for the majority.

Harold Walker Gets Goldman's Par Spot Over British Sales

London, Nov. 8. Harold Walker is now occupying the position of temporary sales manager for Paramount, succeeding Monty Goldman, who held the post 26 years. Walker will likely get the berth permanently.

2d Key Resignation
Resignation of Montague Goldman, general sales manager for Paramount in Great Britain, occurred last week, making the second key resignation in British Isles for company in less than a month. John Cecil Graham, managing director for Par in Great Britain, handed in his notice early in October, with John W. Hicks, Jr., foreign manager for Paramount, being named to fill his spot until another official is permanently named. Hicks was in London at the time and remains there for about 45 days longer.

These two changes are reported in New York to be the forerunner of a general shakeup of Paramount organization in Great Britain, although

RKO's Board to Total 9

Makeup of the new RKO board of directors will not comprise 15 members but will be trimmed down to no more than nine.

Peter Rathvon, Floyd Odlum's associate in Atlas Investment, who engineered the company's reorganization plan, has the inside track for appointment as chairman of the board.

Smith Meeting Lloyd
Lou Smith, associate producer with Frank Lloyd, is coming east to meet Lloyd on his return from Europe. He was here before with Lloyd prior to latter's sailing for abroad.

Lloyd is due in New York Saturday (12).

additional shifts doubtlessly will be in the sales organization alone.

Hicks remains as Paramount's foreign chief while carrying on as head of the corporation in England. He now plans to return to his home in New York in time to spend the Christmas holidays with his family here.

No notice had been received at Par headquarters concerning Charles Penley, also reported to have resigned. Penley is g.m. of Par theatres in Great Britain.

WILL HAVE LOTS TO WORRY ABOUT

First, Must Appraise Paramount's Theatre and Distribution Activities—Talk Anew on GB and Odeon Tie-In—Ben Blumenthal's Preliminary Negotiations

QUOTA FILMS ALSO

One of the purposes of Adolph Zukor's forthcoming trip to London for Paramount will be to appraise the company's theatre and distribution activities with regard to present conditions and future outlook. Zukor's mission abroad is also concerned with scope of company's plans to produce its own quota pictures in England, but actual production may not get under way until next fall. Until that time, deals with British producers for suitable product have been and are continuing to be made.

What Paramount does with its theatres and distribution in England will probably depend in large measure on Zukor's recommendations.

There have been various rumblings in London for some time concerning a proposed expansion of Paramount's theatre business in England as well as possibility of a three-cornered deal between Paramount, Gaumont-British and Oscar Deutsch (Odeon Theatres), which may involve British interests going into a deal to lease and operate Paramount's 14 theatres in England; plus, also, an extensive booking deal for Par product to play the G-B and Odeon Theatres.

On the proposed expansion angle, Stanton Griffiths admitted on his return from London about a month ago that the idea was being given consideration, but refused to elaborate beyond this meagre statement.

In London there had even been some talk that Paramount at one time was considering divesting itself of its British theatre holdings for outright cash sale to bankers in that country. Even more far reaching than this were rumors that they were also mulling the idea of giving up entirely physical distribution of its product in Great Britain.

Three Considerations

Theory behind these startling contemplated arrangements was reported based on three important considerations, according to informed sources. First it was said the company realized that it has and is daily becoming more difficult to do business in Europe. War scares and the intense nationalistic spirit found in the various countries have been pro-

GENE ZUKOR BECOMES ASSOCIATE PRODUCER

London, Nov. 8. Naming of Eugene Zukor as associate producer is the first move in an imminent reorganization of the studio's executive personnel. He has been acting as aide to his father and draws as his first assignment J. Edgar Hoover's 'Federal Man Hunt' for the Harold Hurlay unit. It's the only change announced following the first meeting on Monday (7) between Y. Frank Freeman and William LeBaron. Conference resumed today (Tuesday) with Freeman returning that night to New York with Barney Balaban. Stanton Griffiths and Russell Holman.

Freeman is due back at the studio after two weeks east, washing up unfinished biz in the company's theatre department. Zukor is not expected to take up his London post until after the first of the year as windup affairs here are expected to consume six weeks. Bob Gilham is staying on until the end of the week.

Doping Par Theatre Successor; Freeman to Watch Studio Costs, Le Baron Prod. Boss; Execs East

Reunion in H'wood

Hollywood, Nov. 8. Four film D'Artagnans, past and present, in 'The Three Musketeers' are in town at the same time. Don Ameche is playing the role at 20th-Fox. Walter Abel did the first talker version for RKO. Douglas Fairbanks filmed it first in America and Albert Prejean, French actor visiting here, had the role in Paris 13 years ago.

PALLOS' LONDON PROD. PLANS, SANS KORDA

Before leaving for Europe last week Steve Pallos, general sales manager of London Films, intimated he would lay a new production venture before Alexander Korda for consideration. Scheme which Pallos has been discussing in this country for the past four weeks would provide for the production of a new series of films to be made at Denham Studios in England for worldwide distribution through channels other than United Artists.

Pictures would be financed by American and British capital and made in a category of moderate type productions. Korda's organization would presumably not have anything to do with the actual production, being prohibited by his UA contract from producing for any other organization.

Korda's sole concern is with attracting enough producers to Denham to keep that plant constantly busy and the studio overhead down. If he okays the deal Pallos has lined up, latter will return to New York within the next month or two.

O'Keefe Topper in New Sports Series at Metro

Hollywood, Nov. 8. Metro upped Dennis O'Keefe to stardom for the lead role in a new series of sport features.

First will be 'Skids,' a tale of auto racing, with Edgar Sedgwick directing.

Small's First Salute

Hollywood, Nov. 8. Edward Small completed his first production as a member of the United Artists setup when he wound up shooting 'The Duke of West Point,' Alfred Green directing. Next Small picture is 'King of the Turf,' rolling Nov. 15, with Adolphe Menjou in the top spot and Green piloting.

Shirley Gets Vacation

Hollywood, Nov. 8. Shirley Temple takes a vacation until January at the completion of 'The Little Princess' at 20th-Fox next week. With her mother, who is recuperating from a severe cold, the moppet is due for an indefinite stay at Palm Springs.

In a move long planned to relieve Adolph Zukor of production supervision, the chairman of Paramount's board, sails shortly for England to take control of operations over there, while Y. Frank Freeman assumes administrative charge of the studio with William Le Baron over actual production.

Successor to Freeman in charge of theatres is expected to be a member of Par's vast exhibiting enterprise. Reported that it may be someone from Balaban & Katz, large Chicago territory subsidiary of Par which, in turn, controls the Great States circuit in Illinois and Indiana. Maurice Leonard, B&K executive in charge of real estate, is mentioned in this connection. Although he was co-operator with Sam Dembow, Jr., of Par theatres prior to 77b, John Balaban is not likely to come east as a Freeman successor, it is felt.

Freeman, on short notice from the Coast, left for Hollywood Thursday night (3) to join Barney Balaban, Stanton L. Griffiths and Russell Holman who have been on the Coast three weeks now. They all departed the Coast last night (Tuesday), but Freeman goes back west in a fortnight. By that time Freeman will have turned over the theatre department and leave to assume his permanent berth at the Hollywood plant. Prior to his departure west, it is expected the new theatre department head to succeed him at the h.o. will be named.

To insiders the shift of Zukor to England to co-ordinate and develop Paramount's production, distribution and theatre activities in Great Britain and the continent' did not arrive as a surprise though to some it may have been entirely unexpected that Freeman would succeed at the studio.

Due in part to rising costs at the studio, politics and alleged friction, Zukor has frequently been reported transferring back to the h.o. during the past year. Freeman several

(Continued on page 53)

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Scophony Televis Exec Talking Anglo-U.S. Deals with Cantor, et Al.

Solomon Sagall of the Scophony Television Corp., Ltd., arrived from London last week to confer with film companies on a television tieup in America. Sagall is associated with Arthur Levy of London, who also represents Monogram Pictures in Great Britain. Scophony is said to have the financial backing of the London & Yorkshire Trust Co. and EKO Ltd. Radio Corp. Also associated with Scophony is Oscar Deutsch of Odeon Theatre who is a director on the Scophony board.

While in New York, Sagall is conferring with Eddie Cantor on a proposed formation of an American company to create television programs, sell equipment for homes and motion picture theatres. Cantor went into the Scophony proposition when he was in England this summer.

In London, Deutsch's Odeon Theatre is laying plans to install Scophony television receivers in 70 London houses.

Scophony's television is based on the mechanical scanning system, familiar to this country also. Transmission of high-frequency programs will next year probably make use of television company wires exclusively as the most satisfactory method of sending programs.

Scophony's System

Scophony receiving sets and the alterations necessary before any such system could transmit over any presently existing transmitters in the U. S. are well known to New York television engineers and experts. They've looked over the Scophony layout thoroughly in the last two years, and are familiar with all its phases.

It is classed as a mechanical television system as contrasted with electronic system which has proved most successful to date in America. Electronic method has been used by Radio Corp. and will be used by Columbia Broadcasting System when it gets its transmitter in operation at the Chrysler building (N. Y.) and is employed by others such as Philco.

There are supporters for both methods of television, only thing being that in America manufacturers are planning to turn out the electronic type of receiver. And all test television here thus far has incorporated this method. Officials connected with present televising facilities in U. S. this week could think of no feasible reason for realigning their methods to include mechanical television of Scophony. They claimed that it cost the British Broadcasting Co. a considerable amount of money and changing of equipment to include Scophony in its television setup. Just who would pay the cost for such realignment here was not revealed.

\$1,000 Sets

Principal favorable point about Scophony is that it produces a good picture. Most practical one produced thus far is 18 by 24 inches in size, with cost of such type receivers going above \$1,000.

General opinion in Wall Street expressed this week was that investors and financial houses were willing to string along with RCA, many expressions of confidence being heard in this large company's ability to keep abreast of latest developments on sight-sound broadcasting in American market. They recalled that RCA got rid of the bulk of its stock holdings in EMI several years ago when the American company decided its engineers were doing as well as the British company's experts.

Conservative financial interests, too, were concerned with whether or not the mechanical operations necessary in Scophony would stand up for any period of time. They were inclined to be skeptical of the countless revolutions per minute involved in its operation as being able to withstand terrific pressure on parts. Attempts to interest the financial district and American investors doubtlessly would depend on this factor, how programs could be transmitted and whether there would be any substantial market for sets even if televising facilities were arranged. That was consensus of belief in the Street.

Present plans of American manufacturers are to make capable of producing a 16 by 10 inch picture since this size fitted in with economic

Televise Lughton

London, Nov. 8. — Eric Pommer set up a television routine for the premiere of Charles Lughton's 'St. Martin's Lane' at the Carlton last week, instead of the customary lobby camera and microphone arrangement used heretofore at picture openings.

Television and radio fans within the 50-mile area not only witnessed the opening in their homes, but also saw the first reel of picture.

CREDIT RADIO FOR 'WINGS' BIG B. O.

Detroit, Nov. 8. — United Detroit theatres in giving entire credit to a special radio hookup for new 1938 Sunday attendance record hung up last week by 'Men With Wings' (Par) at the Michigan theatre. Special half-hour dramatization of flicker Sunday previous to opening, was aired over local hookup comprising WXYZ, WWJ, WJR and WJBK. Show, produced by WXYZ, included Benny Kyte's augmented studio band, and dramatizations by WXYZ players.

Since no additional bally was used on flicker, other than usual-sized newspaper copy, theatre officials believe the extra patronage was entirely due to radio bally. UD circuit has used radio hookups on films last season, with general success, and expects to continue policy this winter.

New Educational-GN To Headquarter in R. C.

Educational-Grand National will establish its home office in the Associated Press building, Radio City group, this month or as soon as quarters are available. Educational presently is in the 20th-Fox office building on 10th avenue, while Grand National has had its offices in the RKO building.

Jack Skirball, v.p. of the recently organized Educational-GN combine, said new production chief, plans to have details of product alignment for 1938-39 ready for announcement shortly. It is expected to include plans for making some features in the east. Short features to be handled by Educational-GN also probably will be turned out in New York City.

Rooney as 'Huck Finn'

Hollywood, Nov. 8. — Richard Thorpe directs 'Huckleberry Finn' at Metro with Mickey Rooney in the title role, starting Nov. 14.

Currently Thorpe is recuperating from an attack of flu which prevented him from directing 'The Wizard of Oz.'

limitations today. And the electronic system would be employed.

Britain's Sets

London, Nov. 8. — Two companies are marketing television sets in this country and cashing in on the limited BBC television programs. Scophony's 18 by 24 inch set sells for around \$1,100 while Philips Co. has one with the same size image selling for about \$850.

E. K. Cole outfit, which sells Scophony sets, also has electronic receivers for sale.

Hollywood, Nov. 8. — Aben Kandel moved into the RKO studio to write the screen play for Eddie Cantor's picture. 'Yarn, still untitled, differs in type from past Cantor sterrers.

Griffis' Statement On Par's Television; Stresses Newsreels

Paramount will be the first film company to enter the television field, with plans for the immediate development of the Dumont process. Par acquired an interest in the company which is developing this form of television about a year ago. Known as Dumont Laboratories, Inc.

Having been given a complete report on Dumont television, prepared for him by Paul Raibourne, statistical executive at the home office, Stanton L. Griffis issued a statement Monday (7) from the Coast concerning Par's plans to develop Dumont for public consumption.

Griffis stated that Dumont Labs has been licensed by the Federal Communications Commission to conduct experimental broadcast television transmission and a transmitter at Montclair, N. J., is expected to be in operation by January. The Dumont company is headed by Allen B. Dumont, a pioneer in the television field.

'Television inevitably will be a tremendous factor in the entertainment field,' Griffis predicted. 'Paramount recognizes that its development is placing upon the motion picture industry a responsibility that is virtually an obligation to the public.'

That television is much closer to becoming an accomplished fact than the public imagines was also stressed by the chairman of Par's executive committee.

Pointing out that television entertainment may be utilized through the present type of dramatic presentations and specialty programs, Griffis said, 'It will have a tremendous field in the reporting of important current events, supplementing and coordinating the activities of the present method of newsreel reporting. This is where the motion picture producer becomes involved.'

Because he said television entertainment must be edited so as to give the finest performance possible, much if not a great majority of television presentations, Griffis claimed, must be photographed entertainment. And Griffis said that the film industry has already solved the problem of transmission of television programs. 'It simply records these images on film and sends them around in tubes.' He made this point in citing that experiments revealed that television transmission via coaxial cable so far have indicated that the transmission cost was so great it would prove prohibitive in cost for nation-wide coverage.

Griffis, statement pointed out that one of the things which up to now has limited the commercialization of television is the fact that it consumed such a width that the wave bands set aside for it by the FCC afforded only six channels. The Dumont system, he stated, requires only three megacycles which is half of the width required by all other television systems, thereby raising the number of available channels to 12. William Morris agency some months ago negotiated the Dumont-Par televising deal.

Henie Troupe Breaks Ice in H'wood With \$65,000 Week to Open Tour

Hollywood, Nov. 8.

Eight nights of capacity biz greeted Sonja Henie's Hollywood Ice Revue at the Polar Palace, which inaugurated a 12-week nationwide tour for the rink star and her troupe of 94. Scaled up to \$3.30, with a \$5 premiere tossed in, the frapped extravaganza checked in with close to \$65,000 on the home stand. Remainder of the tour is pro-rated against a nut of \$110,000 rolled up against the refrigerated turn started moving.

Troupe, managed by Billy Burke for the Arthur Wirtz enterprises of Chicago, pulled stakes tonight Tuesday and headed for Houston. Itinerary thereafter, in following order, takes in St. Louis, St. Paul, Minneapolis, Cleveland, Toronto, Montreal, Boston, Chicago, Detroit and New York. Stage in Chicago opens Christmas night. After New York engagement troupe breaks up and Miss Henie reports back to 20th-

Scattered Warnerites; H. M. Back West, J. L. Due Home, Wallis in N. Y.

Bite on Biter

Los Angeles, Nov. 8. — Exemption of \$3,500 for molar sound effects is claimed by Ned Sparks in his plea to the U. S. Board of Tax Appeals against a Government deficiency lien of \$8,187.

Comedian asserts his first set of false teeth hissed, causing him to buy noiseless grinders.

SET 2 LONDON LEGIT SHOWS FOR VISIO

London, Nov. 8.

London will be offered televisions of two London plays within the month. One has been open for a month while other will be done Nov. 24.

'When We Are Married,' current at St. Martin's theatre, will be televised from theatre's stage Nov. 18. Premiere of Jack Hulbert-Cleely Courtneidge musical will be flashed from the Palace Nov. 24.

Howard-Futter Set For RKO Quota Pix; Reisman Also Due

London, Nov. 8.

Leslie Howard and Walter Futter have signed to make pictures for RKO, presumably on the British quota setup, and sailed for New York Saturday (5) for consultations regarding scripts on first productions. Phil Reisman, RKO's foreign department head who has been in Europe on business for the last two months, also sailed on the same boat.

Herbert Wilcox, veteran English producer-director, who has made several British pictures for RKO release in America, also sailed this week. Anna Neagle, star of several top Wilcox features is likewise making the trip.

Reported deal for pictures to be turned out by Walter Futter and Leslie Howard is in line with RKO's policy of fulfilling British quota obligations by purchasing top features made in England for U. S. distribution and possibly for world distribution. Company thus far has not set up any producing alignment of its own in England.

'Sixty Glorious Years,' latest Wilcox production starring Anna Neagle, has been booked into Radio City Music Hall, N. Y., to follow the current attraction. Picture is being distributed in U. S. by RKO.

Fox studio for start of her next picture.

Capacity biz here was surprising to the trade as it was figured the town had been surfeited with ice frolics. Currently three other troupes are performing on the blades. The Henie outfit far surpasses anything on ice seen hereabouts since the craze took hold last year. It is spectacular, showmanly and magnificent through its 18 numbers. Lambeth Walk and Susie-Q, a hula on ice and Miss Henie's double turn, her first, with Stewart Reburn, Canadian champ, were all show stoppers. Gay and colorful costumes give the spectacle a freshness the others lack. Jack Pfeiffer, 20th-Fox music director, who goes on the road with the company, used 40 men here and gave the show a terrific lift. The music stood out above several numbers. Outfit is light on comedy but this is being remedied.

Harry Losee of 20th-Fox directed and staged the revue.

Hollywood, Nov. 8. — Harry M. Warner arrives on the Coast tomorrow (Wed.) and will headquarter at the WB studio in the absence of Jack Warner and Hal Wallis. The president of WB is in New York for the last three weeks on company business matters.

Jack L. Warner, vice-president of Warner Bros., who has been in Europe for about a month on an inspection trip and to attend the opening of the new Warner's cinema in London, is due to arrive back in New York Nov. 24. Warner remained abroad to check on the progress of production in England and size up distribution realignments that have been necessary in recent weeks.

Wallis' Prod. Huddles — Hal Wallis, associate executive in charge of production for Warner Bros., arrived in New York yesterday (Tuesday) for a week of conferences with Major Albert Warner, Gradwell Sears, Sam E. Morris, S. Charles Einfield and Casey Robinson, Warner writer. Also to see the new plays, etc.

Primary discussions will be on completion of this season's production schedule and setting of final release dates as well as preliminary talks about next season's (1939-40) lineup. The producer revealed that the '39-40 season program would probably consist of 52 pictures, the same number being produced this year.

Wallis revealed that WB just purchased the recent best seller, 'Rachael Field's 'All This and Heaven, Too,' for Bette Davis. Warners has stopped production on 'Memphis Belle' a scheduled Davis picture which was to have been made for this season's lineup. Reason for putting this one off another year was desire of company to break up sequence of too many costume pictures in a row for this season.

Casey Robinson, who came east with Wallis, is working on an original which will also be discussed at the week's conclaves. Wallis and Robinson will catch all the plays in town they can squeeze in this week, before former returns to Coast Saturday.

Copyright Huddles To Be Continued; No Agreement Yet

Representatives of the various groups interested in the copyright situation will continue to meet at Columbia University, N. Y., from time to time in an effort to reach a common stand on the question. That was decided last week when the third meeting failed to make any definite progress toward reaching an accord.

Need for some sort of agreement on the question is admitted by all concerned. However, the various interested groups have lined up into two fairly well defined factions, the author-end and the employer end. About all they've accomplished so far is a discussion of conflicting views and proposals. It is with the idea of ultimately ironing out these conflicting stands that the further meetings will be held.

Last week's session, like the previous two, was sponsored by the Committee for Study of Copyright, a subsid of the American National Committee on International Intellectual Cooperation, under the auspices of the League of Nations. Plan is to bring about revision of the domestic copyright situation resulting from the existing antiquated law. Some sort of concerted action in regard to the Berne international copyright convention would then be undertaken.

Among the interests represented at the meetings are the motion picture groups, broadcasters, music publishers, book and magazine publishers, authors, songwriters, etc.

'Follies' Takes To Road

Hollywood, Nov. 8. — Finished at Metro, the 'Ice Follies of 1939' pull out tomorrow (Wed.) for Cleveland to open a six-day stand (14) in the new ice arena. Coast-to-coast tour brings them back to Hollywood in April for a month's stay.

AGENTS CAUGHT IN MIDDLE

UA to Appeal Hart's \$276,965 Award; Court Pans Blockbooked Tactics

United Artists Corp. will take an appeal from the N. Y. supreme court jury's verdict on Friday (4) which awarded William S. (Bill) Hart, former silent picture star, and his sister, Mary, a verdict of \$190,484, plus interest which increased the total to \$276,965. This was the second trial of the suit in which the Harts claimed that UA had breached its contract to properly exploit and exhibit the picture, "Tumbleweeds" produced and starred in by Hart under the UA banner in 1925. Plaintiffs claimed the picture was blockbooked with a dog flicker thereby reducing its boxoffice take and resulting in a loss of over \$200,000 to the cowboy actor and his sister. On the first trial the Harts were awarded \$85,000. UA attorneys appealed and won a reversal and new trial.

After the verdict was rendered, Justice Bernard L. Shientag severely criticized the defendant corporation declaring it was evident that Hart had been given the "runaround." The court also took a slam at the then chairman of the board of directors of UA, declaring he was looking out for his personal interests at the expense of the Harts.

"I think the verdict is amply supported by the evidence," Justice Shientag opined. "What was speculation and surmise in the preceding trial has turned out to be in this case almost a mathematical certainty. I think that it was clearly established that this contract was violated; that this plaintiff was shabbily and improperly treated from the very outset. Shabbily is a mild epithet to use in connection with the treatment he was accorded. So far as 'Wild Justice' (the dog picture) is concerned, on hearing the testimony anyone would understand what happened here. The chairman of the board of directors of this concern, to advance his personal interests, sacrificed everything including the plaintiff's picture. He did not care about anything else so long as 'Wild Justice' was put across, and an exhibit produced at this trial by the defendant is clear proof of what took place in connection with the sale of the picture."

Hart's chief beef was that UA had failed to boost his picture as a feature in the same fashion as UA had exploited the pictures of Pickford, Fairbanks and Chaplin. The plaintiff claimed that he had spent more than \$300,000 in the production and the best he got was blockbooking with a \$60,000 hound picture. The latter grossed as much as Hart lost.

Thrd Director on 'Oz,' Cukor Pulled by 'Wind'

Hollywood, Nov. 8. Victor Fleming gets the directing job on "The Wizard of Oz" at Metro, replacing George Cukor, who has been recalled by David O. Selznick to prepare for "Gone With the Wind." Cukor was borrowed to take over "Oz" when Richard Thorpe, the original director, became ill.

Should Know His Stuff

Hollywood, Nov. 8. Last of a notorious bandit gang of the 90's, Al Jennings, goes to work as technical advisor and bit player in "Oldahome Kid" at Warners. Jennings was once sentenced to a life term but pardoned by President Theodore Roosevelt.

RKO Drops Fontaine

Hollywood, Nov. 8. RKO allowed Joan Fontaine's option to lapse, in line with the studio's recent policy to cut contract list to a minimum. Currently playing in "The Duke of West Point," Miss Fontaine is negotiating to make a picture in England.

Legal Mixup

Handling of the William S. and Mary S. Hart "Tumbleweeds" suit against United Artists by Max D. Steuer is causing some amusement among legalists who comment on the fact that Steuer is associated as special counsel with the law firm of Schwartz & Frohlich who are sometimes United Artists' co-counsel.

S. & F. law firm represents Charles Chaplin, one of the owner-members of UA on the board, although O'Brien, Driscoll & Raftery are UA's major attorneys.

Report Re-Merge Of Selznick, Hayward Agencies on Coast

Hollywood, Nov. 8.

Possible merger of Myron Selznick with Leland Hayward, dominant in the ranks of Coast artist representatives and business managers, is under consideration at this time. Proposition is understood to have been initiated by Selznick whose business interests last year were combined with those of Hayward, in the east until latter branched out for himself in Hollywood. Whereupon Selznick established his own N. Y. office. Affairs of a number of prominent stars and writers are being jointly handled by both organizations; there has always existed a collaboration of interests between both men on a few big clients.

Since invading Hollywood on his own, Hayward partnered with John McCormick. Latter may bow out, however.

AGENT SUBMITS 10% CLAIM TO THE SAG

Hollywood, Nov. 8.

Hallam Cooley submitted his agency contract with Robert Gleckler for arbitration under the Screen Actors Guild franchise plan. It's the first such action taken. Suit, asking payment of \$4,000 commissions, will be withdrawn from Superior Court.

Complaint charges Gleckler earned \$12,000 during the 14 months he was handled by Cooley-Ullman. Sam Jaffe, Inc., filed suit against Richard Arlen for \$19,600, claiming the actor broke a five-year agency contract last May, with nearly four years to go. Agent estimates Arlen will earn \$196,000 during the balance of the cancelled contract, and demands 10%.

38 Tunes in Powell Pic

Hollywood, Nov. 8.

Warners' new Dick Powell starrer, "Always Leave Them Laughing," is using 38 song numbers in whole or in part. Play is based on "Tin Pan Alley" Ann Sheridan and Gale Page share the warbling job with Powell. Tops heretofore was Irving Berlin's "Alexander" with 28 tunes.

Orlob Encoring

Harold Orlob has wound up "One Third of a Nation" at Astoria, and has two more pictures in preparation. One may be his own musical play "Trial Honeymoon," which he produced himself in Chicago some years ago. Warren Murray is doing the adaptation. Paramount will release two more by Orlob if "Nation" is okayed.

STOPGAPS VOID IF GUILD BALKED

Percenterers Protecting Selves in Interim but Stand to Lose Clients if Hitch Develops—Ask 'Clear Defining of Code on Revocations'

LICENSING IN '39

Hollywood, Nov. 8.

Motion picture agents will face the loss of some of their most lucrative contracts if any hitch develops in plan of the Screen Actors Guild to franchise all agents. These would include scores of stopgap pacts now being inked with freelance and contract players, as well as renewals with topflight stars.

Situation was disclosed by a leading independent agent who said the agreement of members of the Artists Managers Guild to write a stopgap clause in all contracts would make it mandatory for the agents to reach an agreement with the SAG in order to protect their interests. In event of a hitch he declared all stopgap contracts would become void.

While the agents have agreed to licensing program under certain conditions, it is doubtful if actual issuance of licenses will be started before the first of the year. The agents are still trying to draft a code of ethics that will be acceptable to the SAG. They want the code to state definitely which violations will constitute cause for revocation of an agent's license. They also want the code to guarantee an agent a hearing before an impartial tribunal before his franchise can be recalled.

There is no possibility of an agreement within the next two weeks because Laurence W. Beilenson, SAG counsel has checked out for a vacation. The actors would hesitate to approve any code that had not been okayed by their attorney, who for nearly a year has guided every move of the organization.

Autonomy for Extras

The Screen Actors Guild has adopted a new set of by-laws which grants modified form of autonomy to extras. The name of Junior Screen Actors Guild and offices of second and third vice president and treasurer of former Junior SAG are abolished. Members of the Guild are divided into two classifications, Class A and Class B members. Extras draw rating of Class B and are given a voice in drafting of operation policies for the organization.

Major Philip J. Kieffer, prexy of old Junior SAG, becomes chairman (Continued on page 19)

Twin City Indies Oppose Par's Stiffer Terms; May Ditto UA, But Other Sales in Good Shape

Finally an Echo

Los Angeles, Nov. 8.

Fifty grand for one yodel is the price claimed by Reynard Fraunfelder, instructor of Swiss musical gargling, in his suit against Walt Disney, RKO and RCA.

Fraunfelder alleges his imported Alpine oo-le-ay-le-oo was used in "Snow White" without a financial echo.

'Rat,' Stage and Film Concurrent in Philly; Legit Play's B.O. Off

Philadelphia, Nov. 8.

Unusual situation for Philly prevails this week with 'Brother Rat' being here in both picture and legit. Film is at the Fox and show at the Erlanger.

Plucker men claim such a situation helps the show more than the picture, while legit maintains the opposite holds true. Actually, the picture is doing very strong, while the stage show gross is low.

THREE BIG ONES ROLL UP FOR START AT U

Hollywood, Nov. 8.

Three top films at Universal, held up for final script okay's by Cliff Work, are due to roll this week. Pictures are W. C. Fields' "You Can't Cheat an Honest Man," Bing Crosby's "Three's Company" and Deanna Durbin's "Three Smart Girls Grow Up."

Five scribes were added to the Universal staff to work on four pictures. Arthur Kober started toll on "Three's Company," S. K. Lauren on "Bull By the Horns," Karen De Wolf and Robert Chapin on "Forgotten Boys," and Arthur Horman on an untitled original.

Seiters Vacationing

William A. Seiter, 20th-Fox director, and Marian Nixon, film actress (Mrs. Seiter) arrived from the Coast yesterday for a month's vacation here and a West Indies cruise. Seiter will take in the shows and intimates 20th-Fox is interested in acquiring rights to one or two of the current Broadway hits which Seiter would like to do.

The Seiters sail for West Indies on the S.S. Elena this Friday (11) and are due to return to Coast Dec. 5.

See Revision of Mpls. Zoning As Direct Move for NW Exhib 'Peace'

Minneapolis, Nov. 8.

"Deal" between producer-distributors and independents to bring "peace" into industry will include a revision of zoning and protection and the privilege of 20% cancellations along with elimination of forced buying of shorts and newsreels, according to assurances said to have been given to Northwest Allied members.

Under a new protection setup, independents would get simultaneous runs with the larger circuits based on the admission prices of the theatres, those in the local know are declaring.

It is declared that before Northwest Allied will call off its legislative rights aimed at producer-distributor trade practices, and join in a

request to the government to call off its suit it will insist on the filing of a consent decree.

In the meanwhile, however, W. A. Steffen, president of Northwest Allied, back from the Chicago meeting of national Allied directors, continues completely silent on developments. But he does state that his organization's efforts to have the next Minnesota state legislature enact a theatre divorcement law similar to the one held constitutional in North Dakota haven't been abandoned yet.

It's claimed that enough of the legislators have been pledged to assure passage of the law at the session early next year. The measure would compel the Paramount Northwest circuit to relinquish more than 80 theatres in Minnesota, and

Minneapolis, Nov. 8. Twin City independent exhibitors, members of Northwest Allied, are conducting another unorganized "strike" against Paramount and the company has been able to make few deals in Twin Cities. Present causes of complaint are the terms demanded for the 1938-39 product. Because of increased production expenditures company has boosted its ante and the independents are resentful.

Paramount, however, is in a strong position in the territory as a whole and, even as far as the Twin Cities are concerned, is not bad off. Most of the situations outside Minneapolis and St. Paul are reported to have been closed and in the Twin Cities it has its Minnesota Amus. Co. (Paramount Northwest circuit) connections.

A year ago Northwest Allied conducted a strike against Paramount because company allegedly withheld promised pictures for re-sale at a higher price the next season. Peace, however, was finally declared.

Of all the major companies, Metro apparently is having the easiest selling sailing, despite the fact that it defied the independents and insisted on four percentage pictures. Northwest Allied had gone on record to buy flat or not at all, but when it came to a showdown the members, for the most part, fell into line.

United Artists, which still declares it will insist on percentage for every release has not made any effort yet to sell Twin City independents. It is expected to encounter plenty of resistance when it does so after it makes a Paramount Northwest circuit deal.

Warners, 20th-Fox, Columbia, Universal and RKO all claim fine selling progress. Their deals with Twin City independents have been flat.

UA-Loew Deal Set

United Artists this week signed a two-year contract with the Loew circuit for all houses, as well as in metropolitan N. Y. area. Contract was closed by Charles C. Moskowitz, Joe Vogel and Gene Pickover for Loew's and Harry Gold for UA.

Omaha, Nov. 8.

Deal has been signed by Tri-States and United Artists for 24 situations in Nebraska and Iowa. D. V. McLucas, UA chief here, and G. Ralph Branton, Tri-States general manager, inked the contract.

Even Orphans Are Hard To Find in Hollywood

Hollywood, Nov. 8.

Max Mack is looking for two screen orphans to play the parts made famous by the Gish sisters in "Orphans of the Storm." Mack is re-filming the old play under the original title, "The Two Orphans" for the Bush company, Ocean Films, the first of two pictures he will make in Hollywood.

Second production will be "The Mad Monk of St. Michel," for which Mack hopes to sign Robert Morley, currently in the Broadway legit play, "Oscar Wilde."

Saville's H'wood Visit

London, Nov. 8.

At conclusion of filming of "Goodbye Mr. Chips," Victor Saville will leave for U. S.

Ben Goetz is sending him to Hollywood for consultations on three succeeding English-Metro productions.

Swinging It for Krupa

Hollywood, Nov. 8.

Sam and Laura Perelman started work on an original screen play for a swing picture featuring Gene Krupa and his band at Paramount. William Thomas is producing for the Harold-Hurley unit.

MPTOA CONVENTION ENDS WITH A PLEA FOR UNITED INDUSTRY FRONT

Asks for Cooperation with Allied in Moves for Trade Practice Progress—Movie Quiz Scored for Its Ineffectuality for the Indies

By ARTHUR UNGAR

Oklahoma City, Nov. 8. Motion Picture Theatre Owners of America wound up its 18th annual convocation with an onslaught on various practices in the industry which created quite a stir in the final afternoon session. Besides the attack from the floor against the Movie Quiz, as well as a demand by one of the delegates that president Ed Kuykendall devise means whereby the MPTOA and Allied Theatres get together for a united front in the present trade practices conferences, a flock of resolutions to correct various conditions existing in the industry were also recommended by the resolutions committee of which Arthur Lockwood of Middletown, Conn., is chairman.

Attack on the Movie Quiz created a turbulent condition in the meeting as soon as Thomas James of St. Louis opened the barrage by stating subsequent run theatres are being put in an embarrassing position with their patrons who ask for the Quiz pictures which the exhibitors are unable to show. Thomas said that the little exhibitor is being discriminated against as well as overlooked ever since the Quiz started, due to the fact that the pictures necessary to aid the patrons in solving the Quiz are being held from showing in the little houses by the operators of the big runs. This was making the Quiz of no consequence to the small indies who, in all likelihood, will not be able to get the product until after the campaign has been ended. Thomas steamed plenty when making his onslaught on the Movie Quiz and made it known that unless the indie was given definite consideration in advance on future campaigns his support and aid would not be forthcoming.

Harvey's Quiz Blast
Reinforcements upholding the Thomas challenge came next from H. V. Harvey, president of the ITOA, of Northern California who operates houses in the San Francisco area. Harvey, one of the most militant exhibitors in the Coast terrain, did not mince words when he backed up his brother indie. He opened up saying, "This thing is all wet and has been rammed down the exhibitors' throat whether he wants it or not. The advertising on the campaign has been and is very bad and is not helping this campaign one bit, with the indie exhibitors being put in the spot of being unable to play more than 1% of the quiz pics before the campaign is over."

"Starting of the campaign in August, during the buying season, instead of in the early part of the year, has made the whole plan a sandbagging proposition. The public does not like to be pushed around and I'm not going to do it. I'm going to be on the level and unless the indie patronizes my theatres and no one can hamper me one bit. Customers come first with me."

When Harvey concluded his barrage at the Quiz, several exhibitors jumped to the floor and starting talking all at one time when C. E. Williams of the Park theatre, Omaha, managed to stem the onslaught. He proposed that a resolution be formulated to petition those operating the Quiz for an extension of the campaign to include the month of January, which was passed on a standing vote by a majority of nine, with 150 voting.

Following adoption of the Williams resolution, Kuykendall endeavored to assure the delegates that a more competent form of cooperation would be worked out on the campaign next year.

Why 2 Nat'l Exhib Bodies?
Other commotion was created when J. R. Denniston, representing the Butterfield circuit of Michigan, tossed another salvo by declaring that two national theatre organizations were as useless as two telephone systems in a small town. He made it obvious that the best move the exhibitors could make in the near future would be for a more kindly feeling on the part of President Kuykendall toward members of Allied, since both MPTOA and Allied were endeavoring to accomplish the same mission, even though they may be along different lines. He said he

felt that diplomatic gestures could lead to a better understanding between the two organizations and a settlement of the differences that now keep them apart.

Kuykendall jumped to the floor and replied that he had no hard feeling against any members of Allied and that on numerous occasions he had made peace overtures to the opposing body. Kuykendall stated that members of the Allied board had been invited to the present MPTOA meeting but none was in attendance. Said that two answers had been received to his invite and both were in the negative. He continued that he had never talked against Allied except to refute certain alleged false statements cast against MPTOA and concluded with the expression that some day the two associations, in his belief, will be able to sit down and work out their problems together for the common good.

ASCAP and Radio
The membership backed a resolution taking a slap at ASCAP that asks the executive board to revive injunctions prohibiting the Society from assessing fees in each state. Also unanimously endorsed at the session, was a report on non-theatrical competition read by Frank Cassil of St. Joseph Mo., which charged distributors who encourage radio star appearances, particularly in skits from current or future material, are guilty of an error in judgment, and that constant radio appearances of stars wear away public interest in them, as well as the theatre. Report charged star appearance on radio has increased alarmingly in the past year; that stars have frequently been presented to radio audiences in hastily prepared material and poorly presented skits, and also stars have appeared on the air in synopses of current picture productions; that certain producers are encouraging these star appearances to the extent that certain stars have definitely destroyed themselves as boxoffice attractions by radio work.

Copy of this resolution was ordered sent to all producers and stars now or formerly identified with any commercial program.

Irving Jacobs, reading report by committee on clearance and zoning, charged that a few exhibitors of the country used their booking power with the exchanges to gain unfair ends. He expressed the belief that the distributors are aware of this situation and pointed out a plan for conciliation-boards in each exchange zone which would take care of the situation.

All general sales managers will be supplied with copy of a resolution outlining steps to be taken to prohibit distributors from disseminating information as to the prices paid for film by exhibitors.

Other resolutions okayed were one demanding immediate steps be taken to stop collection of score charges, another opposing pie stars doing radio broadcasts and one on the music tax saying nothing that the committee could do or say would change the situation.

No decision was made as to locality of next convention though Omaha put in a bid for it.

Art Jarrett Sings From Pinto in 6 for Cinemat

Hollywood, Nov. 8. Cinemat Productions, Inc., new company formed by Philip N. Krasne, completed a deal to produce six musical westerns, starring Arthur Jarrett, for Grand National release.

First of the series, known as 'The Trigger' series, this week with Sam Newfield directing. Krasne acquired 300 acres near Lake Sherwood as a location site.

Novarro's Rep Repeater

Hollywood, Nov. 8. Ramon Novarro inked a deal to star in another picture at Republic starting around the first of the year. Pact calls for a large budget and Novarro's approval of the story.

From the Coast, Too

Los Angeles, Nov. 8. Independent exhibitors in Southern California echo the sentiments of the Oklahoma City convention that the Motion Pictures Are Your Best Entertainment campaign is laying an egg.

With the exception of circuit operators, the exhibitors feel that their cash and moral contributions to the MPAE drive have not been justified by the returns. Chief complaint is the late release of the majority of the 80 films from which the Movie Quiz must be worked out.

Consensus is that local operators will look before they leap into any drive that may be contemplated next year.

Trade Practice Meeting in Chi; Small Headway

The trade practice meet held over the weekend between Allied chiefs—Abram Myers, W. A. Steffes, H. A. Cole and Jack Kirsch, and distributor heads Bill Rogers, Grad Sears and Abe Montague brought to no decision though distributors offered several concessions regarding elimination of score charges and non-forcing of shorts with features.

However, a reported snag looks to be the arbitration angle with distributors seemingly not interested in bringing arbitration back since the old setup of the board was killed off. Distributors also promised that in cases of new theatres built in competitive zones that old theatres will not be deprived of product if operation continues on satisfactory level.

All discussions are for 1939-1940 product.

Loew's Withholding Criterion, New York, Billing Pending Suit

Although acquiring a 50% interest in the Criterion, N. Y., first notable instance of theatre expansion since the Department of Justice suit, Loew's has not placed its name over the house nor has it changed the policy to include any playdates on Metro product excepting for one picture that has now been scheduled three times.

Understood, also, that while Loew's built a sign to go over the marquee, it may not be put up just at this time in view of the explanation asked by Thurman Arnold, of the D. J., as to why Loew's took a 50% interest in the Crit. J. Robert Rubin claimed that this deal resulted from negotiations that had been started prior to the Government's anti-trust suits.

A week ago Loew's ran an ad in the papers which stressed that it had "taken over Broadway," the ad also including "Dr. Kildare," then current at the Music Hall. Reported that this ad was picked up by the Dept. of Justice.

It is possible that Loew's may use the Crit as a second run for certain product it plays behind the Capitol, Music Hall and Paramount, with Loew's State occasionally getting a first run Metro film that isn't needed at the Capitol.

B. S. Moss controls the other 50% interest in the Crit which he built three years ago with Harry Charnas.

Ginger Rogers' Solo

Hollywood, Nov. 8. Ginger Rogers breaks away from Fred Astaire in her next picture, 'Little Mother', to be produced by B. G. de Sylva at RKO. Currently Miss Rogers is playing in 'The Castles.'

'Hamlet' Is a Legit Double-Feature, Sez Aggie; Dishes (with Sandwiches)

By Joe Laurie, Jr.

Coolacres, Cal., Nov. 8.

Dear Joe:

Just was reading in the papers where they are doing a five-hour version of 'Hamlet' in New York. Aggie sez, 'This is practically double-features the legit. They'll soon be giving away dishes with sandwiches on them. I never thought I'd see the day when 'Hamlet' would be doing a supper show.'

I had a great break last week. The exchange got big hearted and sent me 'You Can't Take It With You.' It sure is a swell picture and did plenty of business for me. But when I play a good picture it makes it tough on me because then I gotta alibi all the lousy ones they send me. When I run all bad ones the people get used to them and think that all the pictures are that way.

I did a swell exploitation stunt on the picture. I had a guy send me a big anchor from Los Angeles and I put it in front of the theatre with a big sign on it reading, 'You Can't Take It With You.' Well, I forgot about it being Halloween and the next day the anchor was gone and whoever took it left a sign, 'Who said we can't?' I told the chief of police about it and he is now looking for deep footprints.

That Orson Welles sure got the country excited with that sketch of his. It would never happen on my station because nobody believes anything I say. Got a letter from ASCAP telling me I'd have to pay for all the songs we use on the radio. Gee, I remember the time when the music publishers paid us to sing their songs. I don't know how they ever found out about our radio station, it don't go outta town. The natives get it on their bridgework. They tell me that all the dough the ASCAP collects takes care of the songwriters in their old age, which ain't a bad idea. I wish the picture producers would take some of the dough they get from us and take care of us exhibitors in our old age. Aggie sez, 'It would be financially impossible because exhibitors get old too quick.'

I decided to cut out all the popular songs and just use hillbilly songs. I can write them by the dozen. They don't have to have any sense or rhyme and you can use any home-made tune, put a clothespin on your nose and away you go without no royalty.

Tony's Clipping the Natives

Tony, my sustaining sponsor who does his own program and commercials about his barber shop, is getting plenty of response from a new idea he's worked out. If the listeners send him a lock of their hair or a facsimile he sends them his picture. I told him he was nuts, but he said he knew what he was doing. 'You see,' he says, 'when people cut off a lock of their hair it spoils the looks of the rest of their hair and they gotta come in my barber shop and get a haircut.' He takes the hair he receives and sells it to a wigmaker in Los Angeles. Which only goes to show you that if you give anything enough thought you can make a racket out of it.

Vic had an idea where we announce over the air that for 50c. we will send the listeners a 'fire escape,' and when they send in the dough we would send them a Bible. I told him that an idea like that practically buys him a key for Alcatraz. It's funny how people will work for days, to figure out ways of not having to work.

The weather has been so-so. We'll soon have the liquid sunshine pouring over us. Aggie sez, 'California has only two seasons, the rainy season and waiting for the rainy season.' She ain't got the sound of the 6th Ave. El out of her system yet.

Best to the gang and yourself, sez
Your Pal,

P. S. Al Jolson sez: 'Down in Kentucky they're getting married with a lollipop in one hand and a skipping rope in the other.'

Hellinger's Pic Away

Hollywood, Nov. 8. 'Hell's Kitchen to Hollywood,' Mark Hellinger production for the Bryan Foy unit at Warners, gets the gun in three weeks.

Sam is original by Vincent Sherman. Humphrey Bogart, Gale Page and the 'Dead End' kids will be featured.

'JITTERBUG CONTEST' GAG SPREADING OUT

Philadelphia, Nov. 8. Al Zimbalist and Jack Flynn, of the Warner h.o. here, who devised the 'Jitterbug Contest' now their second round of five of the chain's houses in Philly, have received so many requests for info from exhibs all over the country, that they have had ideas and instructions for the contest mimeographed.

Contests for the best jive tappers are not only taking off over the country, but have spread to a flock of indies here. While WB offers winners a week at the Earle and a test for a screen shot, indies are passing out cash. WB also have a tieup with the Philly Daily News on the thing. News prints an entry blank every day, a story on the progress and a page of pix once a week.

Success was so overwhelming with the first contest, that a second was immediately started when the initial one finished.

Rush Burns' 'Mizzou'

Hollywood, Nov. 8. 'I'm From Missouri' is being rushed toward an early starting date at Paramount to cash in on the heavy bid pulled by Bob Burns in his first singing starrer, 'The Arkansas Traveler.' Picture rolls Nov. 21, with Paul Jones producing and Theodore Reed directing.

Dave Loew Joining His Brother, Arthur, On Vacash Cruise

David Loew, who has been producing with Joe E. Brown as star, sailed from New York Saturday (5) for Panama where he will join his brother, Arthur Loew, head of Metro's foreign department, who is on a tour of Central and South American key cities.

Loew finished 'Flirting With Fate,' final Brown comedy on the Coast, before leaving for this cruise which is strictly vacation. Film is set for Metro distribution. He has no definite additional producing plans.

Pizor Still Laid Up; Stricken in Okla. City

Philadelphia, Nov. 8. Lewen Pizor, prez of United Motion Picture Theatre Owners in this territory, who was stricken ill while attending the MPTOA convention, is still confined to St. Anthony's Hospital, Oklahoma City. His daughter, Dorothy, has gone out there to be with him and bring him home when he is able to leave.

Although his condition is understood to be good, he probably will not be able to make the long trip east for some days. He is suffering from a recurrent stomach ailment.

There Goes Your 'Saint'

Hollywood, Nov. 8. Upping of Louis Hayward to stardom in Edward Small's forthcoming 'Man in the Iron Mask,' and a pact for four pictures annually for five years, leaves RKO without a 'Saint.' Hayward's option was dropped by RKO after he had played in 'The Saint in New York.' Later the studio decided to make a 'Saint' series, which will have to hire a new leading man unless Hayward can be borrowed from Small between pictures.

WAGE-HOUR CONUNDRUM

Indie Film Producers Bankrolled Perelmans' Pa. Victory; but Unlikely Dualism Will Spread in Philly Zone

Philadelphia, Nov. 8.

That it wasn't Harry and Louis Perelman at all, but a group of indie producers on the Coast who fought for the recent U. S. Supreme Court victory over six majors for the right of an exhibit to double-feature is belatedly revealed here. Former Congressman Ben Golder, the attorney who successfully fought the duals suit, further declared that these indies are now seriously taking up the matter of suing the majors (in the name of the Perelmans) for the damages sustained by the Perelmans in not being allowed to twin their bills. Object, of course, is to get back some of the coin which the long-drawn-out and hard-fought battle cost.

Fact that the Perelmans, small indie exhibitors here, weren't actually putting up the coin to fight the suit was always understood. However, who really was advancing the money was a matter of conjecture, and the indie producers were often suspected. Not a few exhibitors were under the impression that Golder himself was footing the bills.

Purpose of the small producers in fighting the Perelman case was the hope that by getting exhibits the right to double-feature they would use more film, taking more of the indie's product. That hope, however, has proved to be in vain, for there has been no increase whatsoever in duals in the territory since the top tribunal's decision almost a month ago.

It was originally proposed, when the ruling by the court was handed down, to call an exhibit confab to keep the twins from spreading. Split in the exhibit organization, the United Motion Picture Theatre Owners, had prevented this, however. New Allied unit, now being formed here, may find the twin problem on its agenda.

Peculiar Situation

Because of the peculiar situation in the Philly territory as a result of Warner circuit's control of so many houses, duals have never been popular here and have never made much headway. Majority of indies favor it that way and are determined that that's the way it shall remain. The fact that with the court's go-ahead signal now, couple chiselers will put in the twins in opposition to Warner Bros., forcing them to do likewise, and thus the whole smooth-running appeareat here will be upset.

Odd situation that has kept duals out of the Philly territory arises from the fact that WB has a house in opposition to every indie house. Exhibits feel that if WB is forced into double-features it will necessarily require twice as much product as at present. And, as there isn't even enough now to go around, they fear the runs to which they would be pushed back if WB grabbed up even more film.

Whether the confab to prevent such a situation arising will actually be called by the exhibit organization here, United Motion Picture Theatre Owners, hasn't definitely been decided; although it will no doubt take a hand in the control after the movement is started. It is merely a group of indies who are now discussing plans for such a meeting.

NW Curbs Duals

Minneapolis, Nov. 8.

Northwest Allied jumped into the breach to prevent a threatened double feature war in the Twin Cities. W. L. Hamilton, owner of the Princess, local nabe, and the Agate, St. Paul independent uptown house, have been persuaded to discontinue the twin bills which had stirred up opposition.

At the same time it was announced that "an attempt will be made" also to induce the Paramount Northwest circuit to quit double featuring at two downtown Twin City houses—the Aster here and Tower, St. Paul. If that can be accomplished, the twin bills would be entirely eliminated in

Full of Disappointments

Pittsburgh, Nov. 8.

Just six weeks ago, Pittsburgh Chamber of Commerce announced a celebration breakfast for "pennant-winning" Pittsburgh Pirates at the end of their last road trip. Then came Gabby Hartnett's ninth-inning home-run in last Cub-Pirate game and, blooey, breakfast went up in smoke.

Last Friday (4) the Stanley theatre announced special Pitt night for tonight (8) and William Penn hotel's Chatterbox big supper following for University of Pittsburgh's "great" team in football history. Twenty-four hours later, Pitt was on the losing end of a 20-10 score with Carnegie Tech in biggest grid upset in years. Stanley and Chatterbox are going through with it anyway, but are their faces red!

Bus Terminus, Conv. Hall, Small Hotel, Talk Again for R. C.

Digging for a three-level basement of new structure west of the Time-Life building (Rockefeller Center group) revived talk this week that either a small hotel and convention auditorium, or both, would be included in the development. However, several deals are on, and the only thing definite officially is that all three levels will be used as parking space and possibly a World's Fair bus terminal. A bus line with the Manhattan terminus in this new building, is contemplated for operation during the New York World's Fair next year and in 1940.

Idea of having a small hostelry and convention hall in Rockefeller Center area was broached several times in the last few years because of convenience to industrial firms having offices in the Radio City buildings, especially if auditorium facilities were available. "If none is installed in the new structure, there is also talk of converting the Center theatre into a sizable convention hall having seating capacity of several thousand and entirely adequate for most convention sessions."

And Lookit All the Fun

Hollywood, Nov. 8.

Widespread interest in Hollywood is shown by the personal visits of 166 out-of-town newspaper editors since Jan. 1 to get inside dope on the silent industry.

Each has sent home from one to 40 stories about Hollywood doings, according to a survey by Metro Racks.

Two Aides for Bren

Hollywood, Nov. 8.

Frank Ross, story editor on the Hal Roach lot, moved in as associate producer to Milton Bren on "Captain Midnight." He will handle both jobs until a scenario head is named.

John Kruger signed as assistant to Bren, giving up his business management office.

Minneapolis and St. Paul, except for bargain Saturday midnight shows.

Twin City members of Northwest Allied were hastily summoned when several independent exhibitors charged Hamilton with breaking a promise to halt the dual bills Sept. 1 and announced they'd start the bargain policy themselves immediately.

D.C. ADMITS IT'S ALL VERY VAGUE

Applies to Films, All Right, Since That's in Interstate Commerce—But Will Require Clarification with Time

SHORTAGE OF FUNDS

Washington, Nov. 8.

Conundrums about the new wage-hour statute troubling the film industry likely will be unanswered for several weeks, with uncertainty jeopardizing, particularly, studio managers, according to indications in official quarters. First move to clarify the confusing situation is up to the trade, but shortage of funds and personnel are almost certain to result in exasperating delay, no matter what industry people do to get positive rulings on problems peculiar to show business.

No definite interpretations of the way the act and administrative regulations apply to studios or theatres, will be forthcoming until industry groups have made formal requests for hearings and all interested parties have had a chance to lay their views before the staff of Administrator Elmer F. Andrews, regardless of how much the industry may be inconvenienced. With the tiny staff swamped with administrative chores, there is scant possibility any big conference will occur until next year, when Congress has boosted the appropriation for the present fiscal year and more lawyers have been hired.

Administrative machinery has bogged down in a way that seems to doom the film business, especially the production end, to considerable trouble. Particular grief for studio execs lies in the failure of the Labor Department and the National Labor Relations Board to get together on the matter of union contract allow-

(Continued on page 19)

50th Film Jubilee Already Being Set for '39 Despite Indie Squawks On Present Drive; Only 7,000 In Now

Reason Enough

Circuit head visited one of his houses in western town and inquired of manager how many seats his house had. Latter replied he did not know. Asked whether the house made money, manager said yes. "Then why do you not know how many seats you have," asked the boss. Reply was, "I've not been able to be around the house enough because I have to attend those daily manager meetings." And the boss blew out of town.

With the 'greatest picture year' drive expected to go forward on its own momentum, after the end of this month, Harold B. Franklin, business manager of the campaign, already is laying plans for the 50th Jubilee Year celebration in 1939. Actual outline of this program probably will not be settled until late this year or early in January but preliminary steps are now being made.

Picture year drive staff will be reduced to a minimum by the end of this month or early December. Failure of many subsequent run theatres and independents to join the drive has leveled off the campaign contributions.

Now estimated that only about 7,000 theatres out of 15,000-16,000 in this country participated in the campaign. Fear of being unable to get many of the Movie Quiz contest features held many of the smaller independents out of the drive and contributing. Subsequently, developments have shown that their fears were well founded. In fact, exhibitors who will not receive a minimum of 30 features are squawking about the coin they contributed since such an alignment automatically bars them from benefiting, as they think they should, from the Movie Quiz.

Special Movie Quiz trailer No. 10 is being prepared by H. B. Franklin for release the latter part of November. It will tie in with the holiday season, stressing the fact that there still is time in which to enter the contest. Lew Lehr trailer also is continuing.

Calif. No. 2 to N. Y.

In the contest itself, California is reported running close to New York on the number of replies received. Recent mail received at Quiz headquarters indicates that theatres have not been able to keep pace with the continuing demand for contest booklets.

While plan for a 50th Jubilee Year celebration in 1939 is gaining ground daily, consensus of opinion in the trade appears to be that it will be outlined far in advance with more of actual mechanics left in the hands of exhibitors familiar with their public. In this way the difficulty of doing a three to five-month job in five weeks, has made necessary this year, will be eliminated.

Amazing part of the campaign work this year is that as much was accomplished in such a short time. It probably will be a big help to most executives, who worked so strenuously on this year's drive, to know that much of this extraneous activity will be handled by one central body in the coming year.

Cummins Again In N. Y. Appeals Court Over a Sex Film

Albany, N. Y., Nov. 8.

Samuel Cummins, Jewel Productions and Social Hygiene Pictures have filed notice of appeal with the State Education Department from the recent decision of Supreme Court Justice Gilbert V. Schenk of Albany denying application for an order requiring issuance of a license for 'Animated Diagrams of the Human Body.' They seek a review by the Appellate Division. 'Animated Diagrams' was brought out last January with a veneer-disease picture produced by the Federal Government for exhibition in the Army and Navy during the World War and licensed at a silent film, as the basis.

Claimed by Education Department that it was exhibited under various lurid titles. A lecturer, not a physician, gave an accompanying spiel; booklets and other exploitation allowed by department to be 'indecent' were used. Irwin Esmond, director of motion picture department, served notice license was being cancelled. Appeal to Justice Schenk followed.

More Squawks on Theatres Going Into Competition as Chain Stores

St. Paul, Nov. 8.

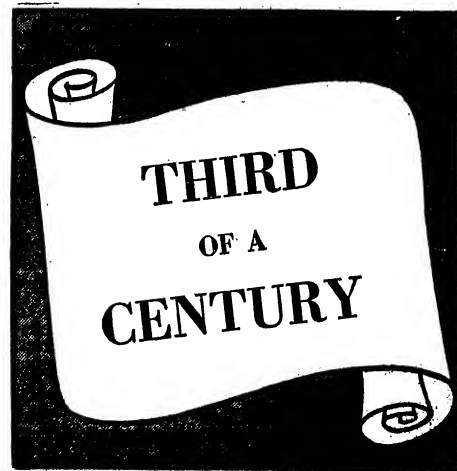
Government investigators have arrived in the Twin Cities and other burbs in this vicinity for an o. o. of the general chain store operation of theatre circuits, and are reported to be particularly interested in the participation of theatre circuits in enterprises other than the exhibition of pictures and other entertainment.

This is understood to refer especially to the invasion of the mercantile field by the circuits in direct competition with the regularly established retailers and wholesalers. Entire thing is reported to have been the result of a loud squawk from the Minnesota Retailers Association against the theatres' invasion of their field by going into the direct purchases of candy from manufacturers and then selling direct to the patrons of the theatres.

Retailers yell that they are purchasing their candy supplies from the wholesalers, while the theatres are securing their candy direct from the factories at prices below that paid by the retailers to the jobbers. This, they holler, figures as unfair trade practice, since it gives the theatres a price leverage not available to the small retailers.

Association has appealed to Senator Wright Patman and has asked him to make their complaint an important item in the general bill concerning chain store operation. Retailers are stating that if there is going to be any legislation divorcing theatre operation from film opera-

tion, that there should also be similar legislation divorcing theatre operators from participating in a business completely alien to the exhibition of amusement.



'Wings' Rides High Over Desolate L.A. To \$22,500; 'Hard Get' 13½G, Temple Pic 12G, Both Weakies; 'Doodle' 9G

Los Angeles, Nov. 8.

'Men With Wings' has the town pretty well sewed up and will top all competition by a comfortable margin. Opus got under way early last week and today begins its second stanza. Shirley Temple's newest, 'Just Around the Corner', is a big disappointment at the day-date and Chinese and will be lucky to gross a combined \$14,000.

Another disappointment of the week is 'Hard to Get', which opened badly at both the downtown and Hollywood and looks destined for slim \$13,000 on the stanza. Two extended run engagements finished, 'You Can't Take It With You' terminating five and a half weeks at both the Pantages and RKO, and 'Drums' finishing five stanzas at the Four Star. 'Drums' moves (9) to the UA and Wilshire to bolster 'Just Around the Corner' at Orpheum, because of long stage show, went solo feature on current week, and is more than holding its own.

Estimates for This Week

Chinese (Grauman-F-WC) (2,024; 30-40-55-75)—'Road Demon' (20th), dual. Temple draw nil in her current opus, best in sight is brutal \$5,200. Last week 'Wings' (20th) (solo), good \$13,000.

Devolvers (WB) (1,800; 30-40-55-65)—'Hard to Get' (WB) and 'Gangster's Boy' (Mono), dual. No excitement and will be lucky if hitting \$6,500. Last week 'Brother Rat' (WB) and 'Broadway Musketiers' (WB), very satisfactory \$10,800.

Four Star (F-WC-UA) (900; 40-55)—'Drums' (UA) (5th-final week). Wound up five-week run (8) to profitable \$1,900, after fourth week brought lucrative \$2,100.

Hollywood (WB) (2,758; 30-40-55-65)—'Hard to Get' (WB) and 'Gangster's Boy' (Mono), dual. Customers were what the title said, and house will have to be satisfied with fair \$7,000. Last week 'Brother Rat' (WB) and 'Broadway Musketiers' (WB), neat \$10,200.

Orpheum (Bdwy) (2,280; 25-30-35-45)—'Mr. Doodle' (RKO) and vaudeville. With a little extra, pretty much ice-conscious, Sherrill Cohen whipped together a revue featuring Norval Bappte, veteran skating champion, and is cashing in correspondingly to the tune of about \$6,000. Stage show is of such length that house went solo screen for first time in years. Last week 'Fugitives' (Night) (RKO) and 'Barefoot Boy' (Mono), good \$8,000.

Pantages (Par) (2,812; 30-40-55)—'Can't Take It' (Col) (6th-final wk). Capra's smash grabbed four days of a sixth week and bowed out (8) for RKO's 'Road Demon'. Final week was good \$5,000, while full fifth stanza wound up with \$6,500.

Paramount (Par) (3,595; 30-40-55)—'Wings' (Par) and stage show. Soars to excellent \$22 on initial stanza and holds for second week, starting (8). Last week, final five days of 'Arkansas Traveler' (Par), about \$7,000, as predicted.

RKO (2,872; 30-40-55)—'Can't Take It' (Col) (6th-final week). Sixth week limited to four days for final grab of \$5,600. Fifth stanza held strong and brought profitable \$7,500.

State (Loew-Fox) (2,414; 30-40-55-75)—'Just Around the Corner' (20th) and 'Road Demon' (20th), dual. One of the duds of the current season as witness poor \$7,200. Last week 'Suez' (20th) solo, finished with excellent \$15,500.

United Artists (F-WC) (2,100; 30-40-55)—'Suez' (20th). Doing nicely on moverover and at \$4,500 not to be sniffed at. Last week 'Stablemates' (MG) and 'Vacation Love' (MG), fair \$3,260.

Wilshire (F-WC) (2,298; 30-40-55-65)—'Suez' (20th). Heading for fifty \$7,000 on moverover. Last week 'Stablemates' (MG) and 'Vacation Love' (MG), moverover not so hot \$4,200.

Port. Spotty; 'Heart' Weak 5G, 'Sisters' Fair \$5,300

Portland, Ore., Nov. 8.

Biz is spotty this week. 'The Sisters' is disappointing at the b.o., with 'There Goes My Heart' also weak.

Estimates for This Week

Broadway (Parker) (2,000; 30-35-40)—'My Heart' (UA) and 'Personal Secretary' (U) barely average at \$5,000. Last week 'Suez' (20th) closed strong second week as a single feature with \$4,500. First week big \$6,800.

Mayfair (Parker-Evergreen) (1,500; 30-35-40)—'Can't Take It' (Col). Following two strong weeks at the Paramount and still good at \$4,400.

Broadway Grosses

Estimated Total Gross

This Week.....\$352,300
(Based on 12 theatres)

Total Gross Same Week

Last Year.....\$316,700
(Based on 13 theatres)

Last week 'Boy Girl' (WB) and 'Boo!oo' (Par), okay \$3,000.

Orpheum (Hamrick - Evergreen) (1,800; 30-35-40)—'Men Wings' (Par) and 'Always Trouble' (20th). Average \$5,500. Last week 'Arkansas Traveler' (Par) and 'Sailor' (Par), so-so \$4,800.

Paramount (Hamrick-Evergreen) (3,000; 30-35-40)—'Sisters' (WB) and 'Touchdown Army' (Par). Well exploited, but disappointing at b.o. with just fair \$5,300. Last week 'Can't Take It' (Col) ended second week with \$5,000, good.

Rivoli (Indie) (1,100; 20-25)—'Seven Seas' (M-G) and 'Justice' (Mono). Okay \$1,600. Last week 'Tropic Holiday' (Par) and 'East Company' (20th), good \$1,800.

United Artists (Parker) (1,000; 30-35-40)—'Brother Rat' (FN) and 'Vacation Love' (M-G). Winning \$5,500 and may hold. Last week 'Hot Handle' (M-G) closed bang-up third week as a single feature with \$3,900. First two weeks got strong total of \$12,500.

FRISCO'S H.O.S.; 'SUEZ' SOCKO \$20,000

San Francisco, Nov. 8.

H.o.s. predominate at all but two of the first-runs on Market street this week. The new entrants are 'Suez', at the Paramount, and 'Mad Miss Mantion', at the Golden Gate. Epic from 20th Century is doing terrific business at the Paramount, despite poor notices. Production at other first runs which drew enough biz to warrant being held over include 'Men With Wings', at Fox; 'The Sisters', at Warfield; 'If I Were King', at St. Francis; 'There Goes My Heart', at United Artists; and 'That Certain Age', at Orpheum.

Estimates for This Week

For (F-WC) (5,000; 35-55-75)—'Men Wings' (Par) (2nd wk). Second stanza will land around \$10,000, which is safe going. Last week hefty \$10,800.

Golden Gate (RKO) (2,850; 35-55)—'Miss Mantion' (RKO) and vaude. Patrons like this screwball whodunit. Biz do of \$10,000 at \$16,000. Last week, 'Kid' (RKO) and 'Benn' Meroff's band, n.s.g. \$13,000.

Orpheum (F&M) (2,440; 35-55)—'Certain Age' (U) (3d wk). Third and final stint looks like \$7,000, plenty good. Pressure of other bookings given as reason for not going

Temple-Ams, 19G, 'Wings'-Vaude, 17G, Pace Wash.; Horror Mops Up \$15,000

Washington, Nov. 8.

Two vaude houses are leading town again this week by comfortable margin. 'Men With Wings' at Earle, and 'Just Around the Corner' at Capitol, are battling evenly at night, but combo of Shirley Temple and Bowes Unit is upping latter's mat biz to healthy edge.

Big interest of the week is success of RKO-Keith's with all-horror bill comprising revivals of 'Frankenstein' and 'Lulu'.

Estimates for This Week

Capitol (Loew) (3,434; 25-35-40-66)—'Around Corner' (20th) and vaude. Combo of Shirley Temple and Bowes unit getting family trade day and night and sending house in lead with satisfying \$19,000. Last week 'Stablemates' (MG) and Paul Haakon, good \$20,000.

Columbia (Loew) (1,243; 25-40)—'Hot Handle' (M-G) (2d run). Third

another week, last week second, sweet \$8,500.

Paramount (F-WC) (2,740; 35-55-75)—'Suez' (20th). Tyrone Power, Loretta Young and Annabella bringing plenty of cash to Paramount this week. Take of \$20,000 is in socko class. Last week (2nd), 'If King' (Par) and 'Always Trouble' (20th), fair enough \$8,500.

St. Francis (F-WC) (1,470; 35-55-75)—'If King' (Par) and 'Always Trouble' (20th). After two weeks at Paramount, this combo will get around \$5,000 here. Last week (5th), 'Boys Town' (M-G) and 'Vacation Love' (M-G), strong \$4,800.

United Artists (Cohen) (1,200; 35-55-65)—'My Heart' (UA) (2nd wk). Biz better than expected on this Francis March-Virginia Bruce entry. Will hold strong \$4,000. Second stanza good \$7,000 after initial week's take of \$9,000.

Warfield (F-WC) (2,680; 35-55-75)—'Sisters' (WB) and 'Sharpshooters' (20th) (2nd wk). Second week holding up very well at \$10,000. Last week, \$15,500, very good.

HORROR GREAT \$12,500 IN BALTO

Baltimore, Nov. 8.

Continued steady play all around here, with 'Suez' leading the surprise of the week and a socko response to the dual reissue of 'Dracula' and 'Frankenstein'. Mellers are settling up for some time, closely followed by 'The Great Waltz'. At Loew's Century and 'Service de Luxe' coupled to vaude headed by Bill Robinson at combo Hipp. Consistent daytime trade helping everybody.

Estimates for This Week

Century (Loew's-UA) (3,000; 15-25-35-40-55)—'Great Waltz' (M-G) plus musical stage flash headed by D'Artega. Maintaining pleasing pace to \$11,000. Last week, 'Citadel' (M-G), rang bell with punchy \$13,300.

Hippodrome (Rappaport) (2,208; 15-25-35-40-55-66)—'Service de Luxe' (U) plus vaude headed by Bill Robinson. Heading toward okay \$11,500. Last week, 'Room Service' and vaude, just fair \$10,900.

Keith (Schanberger) (2,460; 15-25-35-40-55)—'Dracula' (U) and 'Frankenstein' (U). Surprise of town with resounding \$12,500. Gag form of advertising helped. Last week, five days of 'King Alcatraz' (Par), so-so \$3,200.

New (Mechanic) (1,558; 15-25-35-55)—'Suez' (20th) (2nd wk). Modestly fair, possible \$3,800 after rather disappointing opener to \$4,600. Stanley (WB) (3,250; 15-25-35-40)—'Brother Rat' (WB) (2d wk). Holding in good style in nice \$8,000 after big initial session of \$14,800.

VAUDE HYPOES B'KLYN: 'KING' HEFTY \$24,000

Brooklyn, Nov. 8.

Bonanza of excellent pictures on major downtown screens, coupled with abundance of live talent in one form or another, is making this week Biz is gratifying at Albee, showing off 'Suez' and 'Mr. Doodle Kicks Off' Paramount, with 'If I Were King' and 'Wanted Police' (RKO) Metropolitan, 'Dashing Stablemates' and 'Last Express'.

Particularly significant is attempt on part of house managers in Borough Hall sector to inject some type of flesh act in front of footlights. In addition to offering food of vaude acts and single pic, Strand management is staging jitterbug contest on stage, tying up with Brooklyn Eagle

Orpheum (Loew) (2,900; 25-35-40-55)—'Can't Take It' (Col) and 'Vacation Love' (MG) (2d wk) holding sturdy pace, around \$15,000. Last week, dandy \$20,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Brother Rat' (WB) and 'Five Kind' (20th). Headed toward big \$12,000. Last week, 'If King' (Par) and 'Moto' (20th), good \$10,000.

Scollay (M&P) (2,538; 25-35-40-50)—'If King' (Par) and 'Moto' (20th). Fourth continuous week in town, okay \$6,000. Last week, 'Suez' (20th) and 'Garden Moon' (WB), 2d run, \$6,000.

State (Loew) (3,600; 25-35-40-55)—'Can't Take It' (Col) and 'Vacation Love' (MG) (2d wk). Holding peppy pace, around \$11,500. First week hefty \$15,000.

No Grid, No B.O. in Philly; 'Rat' Good 17G, but Heidt-'Musketeers' N.C. 21G

Key City Grosses

Estimated Total Gross

This Week.....\$1,642,700
(Based on 25 cities, 172 theatres, chiefly first runs, including N. Y.)

Total Gross Same Week

Last Year.....\$1,669,700
(Based on 25 cities, 175 theatres)

and awarding cash prizes to winners. Fabian Fox has a magnet in Monday night amateur shows. Albee is plugging fashion revues in conjunction with local department store. Many of the nabes are bringing in for one-night stands in order to buck downtown competition.

Estimates for This Week

Albee (3,274; 25-35-50)—'Suez' (20th) and 'Mr. Doodle' (RKO). Excellent notices and good attendance will bring first-rate \$19,000. Fashion revue on stage also helping. Last week, 'Dracula' (U) and 'Frankenstein' (U), neat \$4,500.

Fox (4,089; 25-50)—'Sisters' (WB) and 'Big Top' (Mono). Neat \$17,500. Last week, 'Juvenile Court' (Col) and 'Down Arkansas' (Rep), in okay \$16,000.

Met (3,618; 25-50)—'Stablemates' (M-G) and 'Last Express' (U). Beery-Rooney team drawing fine \$19,000. Last week, 'Youth Fling' (U) and 'Freshman Year' (U), poor \$12,000.

Paramount (4,126; 25-50)—'If King' (Par) and 'Wanted Police' (Mono). Lively at b.o., and will garner swell \$24,000 and holdover. Last week, 'Can't Take It' (Col) (3d-final wk.), grand \$18,000.

Strand (2,870; 25-50)—'Touchdown Army' (Par) and vaude, plus weekly jitterbug contest on stage. Bright \$12,000. Last week, 'Girls Probation' (WB) and vaude, swell \$13,000.

H.O.S. RULE HUB; 'RAT'-QUINTS \$22,000

Boston, Nov. 8.

'Can't Take It' is taking important coin in its second week; 'Men With Wings' is medium in second week, and 'Brother Rat', dualled with 'Five of Kind', is best bet among the newcomers.

Keith, Boston, tied in with radio scare by booking 'Mars Attacks the World'.

Estimates for This Week

Fenway (M&P) (1,322; 25-35-40-55)—'Brother Rat' (WB) and 'Five of Kind' (20th). Nifty \$10,000 promised. Last week, 'If King' (Par) and 'Moto' (20th), double, \$9,000.

Kelby (M&P) (2,907; 25-35-40-55)—'Service de Luxe' (U) and 'Storm' (U). On weak side at \$12,500. Last week, 'Certain Age' (U) and 'Doodle' (RKO) (2d wk), \$13,000, good.

Metropolitan (M&P) (4,367; 25-35-40-55)—'Men Wings' (Par) and 'Road Demon' (20th) (2d wk). Aiming at \$15,000. First week, very good \$22,000.

Orpheum (Loew) (2,900; 25-35-40-55)—'Can't Take It' (Col) and 'Vacation Love' (MG) (2d wk) holding sturdy pace, around \$15,000. Last week, dandy \$20,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Brother Rat' (WB) and 'Five Kind' (20th). Headed toward big \$12,000. Last week, 'If King' (Par) and 'Moto' (20th), good \$10,000.

Scollay (M&P) (2,538; 25-35-40-50)—'If King' (Par) and 'Moto' (20th). Fourth continuous week in town, okay \$6,000. Last week, 'Suez' (20th) and 'Garden Moon' (WB), 2d run, \$6,000.

State (Loew) (3,600; 25-35-40-55)—'Can't Take It' (Col) and 'Vacation Love' (MG) (2d wk). Holding peppy pace, around \$11,500. First week hefty \$15,000.

SCHAEFER AT AMPA

George J. Schaefer, new head of RKO and chairman of the Great Entertainment Picture Year campaign, will be guest of honor tomorrow (Thursday) at the weekly AMPA luncheon to be held at the Astor hotel. He is expected to outline the progress and benefits of the drive in his talk.

Anna Neagle and Herbert Wilcox also probably will attend the meeting if they arrive from England in time.

Philadelphia, Nov. 8.

Despite a slightly better week-end than has been experienced here recently, Philly's in a bad way this session, with only the house doing any appreciable biz. Week-end grosser might have been appreciably higher except for the fact that both major football teams were playing out of town and the usual crowd that is drawn by them was missing.

What's accounting for the current doldrums isn't readily apparent, for the product lineup isn't weak, but there is just something about the inward theatres. Best is 'Brother Rat' at the Fox, which is going great guns at \$17,000. Welcome relief for the house, which has been suffering lately. Couple disappointments are 'Aldine' and vaudeville Earle. At the former, although it had no build-up, 'Man to Remember' was greeted by the cry almost unanimously as the best pic of the week. Doing okay, so at about \$11,000, however. Earle, on the other hand, had visions of records being cracked with Horace Heidt's new act, but the stage was later. 'Broadway Musketiers' flickering. Very much in the mediocre class, though, at \$21,000.

Estimates for This Week

Aldine (WB) (1,303; 42-57-68-75)—'Man to Remember' (RKO). Come in almost unheralded, but has plenty of belated pushing now as result of rave notices. Only wishy-washy, however, at \$11,000. Last week, 'My Heart' (UA), second, poor \$6,700.

Boyd (WB) (2,350; 37-57-68-75)—'Citadel' (M-G) (2d week). Got a splendid hand from the crit and did nicely in the initial sell, \$17,500. Slipping badly, though, in second turn and is down to \$10,500.

Earle (WB) (2,758; 25-37-42-57-68)—'Broadway Musketiers' (WB) and Horace Heidt's act. Not the best. Strictly so-so at \$21,000. Last week, 'Five Kind' (20th) with Henry Busse and Ella Logan, poor, at little more than \$18,000.

Fox (4,089; 25-50)—'Sisters' (WB) and 'Big Top' (Mono). Neat \$17,500. Last week, 'Juvenile Court' (Col) and 'Down Arkansas' (Rep), in okay \$16,000.

Met (3,618; 25-50)—'Stablemates' (M-G) and 'Last Express' (U). Beery-Rooney team drawing fine \$19,000. Last week, 'Youth Fling' (U) and 'Freshman Year' (U), poor \$12,000.

Paramount (4,126; 25-50)—'If King' (Par) and 'Wanted Police' (Mono). Lively at b.o., and will garner swell \$24,000 and holdover. Last week, 'Can't Take It' (Col) (3d-final wk.), grand \$18,000.

Strand (2,870; 25-50)—'Touchdown Army' (Par) and vaude, plus weekly jitterbug contest on stage. Bright \$12,000. Last week, 'Girls Probation' (WB) and vaude, swell \$13,000.

Stanton (WB) (1,457; 26-42-57)—'Dark Rapture' (U). Preceded by a heavy build-up campaign, slightly on the sexy side, and reacting fairly well at almost \$6,000. Last week, 'Girls Probation' (WB), n.s.h. \$4,500.

Stanton (WB) (1,457; 26-42-57)—'Dark Rapture' (U). Preceded by a heavy build-up campaign, slightly on the sexy side, and reacting fairly well at almost \$6,000. Last week, 'Girls Probation' (WB), n.s.h. \$4,500.

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'Suez'-Kemp Sock \$46,000, 'Manton' With Antry \$17,000, 'Rat' 12G, Fair; 'Citadel' Building to Strong 17G

Chicago, Nov. 8. With a heap of new flickers dressing up the loop's screens currently, the general tone of the registers brightens considerably. Garrick goes into a double feature policy with 'Garden of the Moon' and 'Girls on Probation', and there is a likelihood that two other B. & K. spots in the downtown sector may join in this swing over to twin bills. These are the Apollo and the State-Lake, the latter now operated on vaudeville by J. L. & S. but figured to switch to B. & K. operation when J. L. & S. takes over the now dark Oriental on Nov. 18 with vaude and pictures policy.

Topping pace on general strength is 'Suez', which is boosting the big Chicago into one of the finest musicals house has witnessed in some time. Getting rounded play and figures as a clinch for a fortnight's stay, at least, despite the large capacity in this spot.

'Brother Rat' opened to excellent reports from all reviewers with the general comment supporting the critics' okay and the flicker is heading for a good figure in the small Roosevelt.

Strictly for the class trade is 'Citadel' in the United Artists district of much of a gallop. B. & K. is holding 'Stablemates' in readiness to rush in if the picture gains.

Estimates for This Week

Apollo (B&K) (1,200; 35-55-65-75)—'If King' (Par). In for repeat in loop after fair enough stay in Chicago previously. Looks for \$45,000, neat enough. Last week, 'Drums' (UA) finished two-weeker to okay \$43,000.

Chicago (B&K) (4,000; 35-55-75)—'Suez' (20th) and Hal Kemp orchestra on stage. Strong combination that is polishing off to surging \$46,000, fat take. Last week, 'Sisters' (WB) hit big \$36,500 despite flabby press.

Garrick (B&K) (900; 35-45-55)—'Garden Moon' (WB) and 'Girls on Probation' (RKO). Double bill policy for this house starts off with a good b.o. pair that will garner \$5,500, bright. Last week, 'Can't Take It' (Col) managed good for its third session in downtown sector.

Palace (RKO) (2,500; 35-55-65-75)—'Miss Manton' (RKO) and vaude. Gene Autry headlining and accounting for shekels, with picture generally rapped, around \$17,000, fairish. Last week, 'Certain Age' (U) wound up great three-weeker to see here to excellent take of \$15,800.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Brother Rat' (WB). Got away to good start on generally strong reports but slowing down to fairish \$12,000. Last week, 'Hot Handle' (M-G) concluded a two-weeker with \$8,900, passable.

State-Lake (Jones) (2,700; 25-35-45-55)—'Smashing Rackets' (Col) and vaude. Great title for picture here and upping the take to \$13,000, heavy profit. Last week, 'Speedie' (B&K) (20th) hit \$11,000.

United Artists (B&K-UA) (1,700; 35-55-65-75)—'Citadel' (M-G). Opened slow, but zoomed over weekend; heading for surprisingly strong \$17,000. Last week, 'Boy Town' (M-G) finished rousing four-week gambol with a hearty \$8,800.

ELECTION NICKS INDPLS; 'WINGS' STRONG \$10,000

Indianapolis, Nov. 8. Political nickers' passes and clambakes hurt night business; at most of the first-run houses as the campaign reached its final stages.

'Men With Wings', at the Indiana, is staying off the landing, better than the other theatres to set the pace with a strong gross. Count Berni Vici's unit on the stage and 'Hard to Get' (Suez), a good picture film lyric in the running with an okay take, while 'Great Waltz' is faring only moderately well at Loew's. Circle is belching with a dual of 'Service Deluxe' and 'King of Alcatraz.'

Estimates for This Week

Apollo (Katz-Dolle) (1,100; 25-30-40)—'Suez' (20th). Nothing extra in its move-over season from the Indiana; \$3,000, beily. Last week, 'Sisters' (WB) and 'Annabel' (RKO), \$2,100, poor.

Circle (Katz-Dolle) (2,800; 25-30-40)—'Service Deluxe' (U) and 'King of Alcatraz' (Par). Cast of former pic stressed heavily in ads, but take is only fair at \$4,800. Last week, 'Miss Manton' (RKO) and 'Five King' (Indiana), mild \$5,000.

Loew's (Loew's) (2,400; 25-30-40)—'Great Waltz' (M-G) and 'Flight Fame' (Col). Former pic given 24-

sheet campaign and national assist ads, and take is satisfactory but not exceptional at \$6,000. Last week, 'Citadel' (M-G) and 'Girls School' (Col), good \$7,500.

Lyrie (Olson) (1,900; 25-30-40)—'Hard Get' (WB) and Count Berni Vici's revue on stage. Latter given edge in billing over the film. Good \$9,500. Last week, 'Brother Rat' (WB) and vaude, \$9,500.

WEBB-'DARLING' SWING BUFF. FOR \$17,000

Buffalo, Nov. 8.

Chick Webb's band will top all current cards at downtown box offices this week, at turn in best gross of several weeks.

'Youth Takes Fling', dual, at the Lafayette, is fair.

Estimates for This Week

Buffalo (Shea) (3,500; 30-35-55)—'Listen Darling' (M-G) and Chick Webb's orch. Indications point to swell \$17,000. Last week, 'Citadel' (M-G) jumped into upper brackets, but, as expectations, bettering fine \$14,000.

Century (Shea) (3,000; 25-35)—'Illegal Traffic' (Par) and 'Legion' (Par). Fair \$6,000. Last week, 'Mr. Doodle' (RKO) and 'Man Remember' (RKO), okay \$6,200.

Great Lakes (Shea) (3,000; 30-50)—'Men With Wings' (Par) (2d wk). Hold-over looks headed for about fair \$7,000. Last week, fine \$10,700.

Hipp (Shea) (2,100; 25-40)—'Miss Manton' (RKO) and 'Meet Girls' (20th). Business tracing slightly here for probably around \$6,500. Last week 'Five Kind' (20th) and 'Vacation Love' (M-G), so-so \$6,000.

Lafayette (Ind.) (3,300; 25-35)—'Youth Fling' (U) and 'Missing Guest' (U). This card looks for better than \$8,000, fair. Last week, 'Certain Age' (U) (2d week), very nice holdover takings, over \$9,000.

EXTRA! SNOW IN OMAHA; 'DARLING' SWEET \$9,200

Omaha, Nov. 8.

Grosses here ease off a bit this week, with 'barely satisfactory' explaining the general theatrical situation in two words. Pre-election political meetings kept many patrons away from the tickets.

Manager Bill Miskell pepped up Orpheum biz with a Creighton U. football rally on the stage, plus specialty numbers by students and the school band.

Cold, snowy weather drove patrons off the streets and into the theatres the first part of the week.

Estimates for This Week

Avenue-Bandee-Military (Goldberg) (950-850-810; 10-25)—'Week-end' (GB), first-run, and 'Spawn' (Par), split with 'Going Rich' (20th), first-run, 'Toys' (U) and 'Alway Goodbye' (20th), triple. Looks like \$2,200, good. Last week, 'Alexander' (20th) and 'Over Wall' (FN) split with 'Wild Night' (20th), first-run; 'Am Law' (Col) and 'Penrod' (FN), tripler, \$2,400, excellent.

Brandels (Singer-RKO) (1,250; 10-25-35-40)—'Miss Manton' (RKO) and 'Disney Revue' (RKO). Hoping for \$2,000. Last week, 'Garden Moon' (FN) and 'Actress' (FN), \$6,400, swell.

Omaha (Blank) (2,000; 10-25-40)—'Arkansas Traveler' (Par) and 'Treasure Hunt' (U). Satisfactory take around \$1,700, second of 'Stablemates' (M-G) and 'Mr. Champ' (WB), poor \$7,700, after first week of \$10,500, excellent.

Orpheum (Blank) (3,000; 10-25-40)—'Listen Darling' (M-G) and 'Sons of Legion' (Par). Aiming at \$9,200, very good. Last week, 'Suez' (20th) and 'Keep 'Em Coming' (U), \$12,000.

Paramount (Blank) (3,000; 10-15-25)—'Mars Attacks' (U) and 'Magnificent Obsession' (U-reissue). Should hit \$5,500, good. Last week, 'Hard to Get' (Suez) and 'Garden Moon' (FN), first-run, and 'Alway Goodbye' (20th), tripler, split with 'Alexander' (20th) and 'Spawn' (Par). Should get \$1,800, excellent.

Last week, 'American Gangbusters' (RKO), 'Moto' (20th) and 'Desperate Adventure' (Rep), first-run, tripler, split with 'Colorado Trail' (Col), first-run 'Carefree' (RKO) and 'Over Wall' (FN), \$1,700, good.

First Runs on Broadway

(Subject to Change)

(Week of Nov. 10)

Astor — 'Marie Antoinette' (MG) (closes 19th) (15th wk).

Capitol — 'The Citadel' (MG) (2d wk).

Criterion — 'Vacation from Love' (MG) (9).

(Reviewed in VARIETY, Oct. 5)

Globe — 'Mr. Wong, Detective' (Mono) (12).

Musie Hall — 'Young in Heart' (UA) (2d wk).

Paramount — 'Men With Wings' (Par) (3d wk).

Rialto — 'Mars Attacks the World' (U) (7).

(Reviewed in Current Issue)

Rivoli — 'A Man to Remember' (RKO) (2d wk).

Roxie — 'That Certain Age' (U) (2d wk).

Strand — 'Brother Rat' (WB) (2d wk).

Week of Nov. 17

Capitol — 'The Shining Hour' (MG).

Musie Hall — '60 Glorious Years' (RKO).

Paramount — 'Arkansas Traveler' (Par) (16).

(Reviewed in VARIETY, Oct. 5)

Rivoli — 'Little Tough Guys in Society' (U) (18).

Roxie — 'Submarine Patrol' (2d wk).

(Reviewed in VARIETY, Nov. 2)

Strand — 'Brother Rat' (WB) (3d wk).

Grid, Nags Hit L'ville Biz; 'Rat' Nibbling Big 6G

Louisville, Nov. 8.

Plenty of weekend football, both daytime and nocturnal, college and high school, and perfect weather for race fans Saturday (5), all combining to spell spotty takes at downtown houses. What spending is done by football and race visitors is going to night spots and hotels, with film houses getting little.

Product is well up to par and snarling some biz in spite of outdoor opposition. 'Brother Rat' is gnawing a good share at the Mary Anderson and will probably 'eat' 'Citadel' at Loew's State, had a good buildup with a waltz contest promoted in co-operation with the Courier-Journal at the Madrid Ballroom. 'Men With Wings' at Rialto packing plenty of action on the screen and likewise at the wicket.

Estimates for This Week

Brown's (Loew's-Fourth Ave.) (1,000; 15-30-40)—'Suez' (20th) and 'March of Time'. Making fair showing after moveover from Rialto, about \$1,900. Last week, 'Stablemates' (M-G) and 'Vacation Love' (M-G), fairish \$2,000 in second run.

Kentucky (Swift) (900; 15-25)—'Alexander' (20th). Looks like \$1,900, snappy. Last week, 'Am Law' (Col) and 'Always Woman' (Col), split with 'Going to the Sun' (Par) and 'Sailor' (Par), okay \$1,700.

Loew's State (Loew's) (3,100; 15-30-40)—'Great Waltz' (M-G) and 'Juvenile Court' (Col). Received several weeks' buildup via waltz contest with co-op of Courier-Journal and Madrid Ballroom. Femmes and music patrons like the pic, but hardly enough of 'em to agitate the b.o. Probably \$7,000. Last week, 'Citadel' (M-G) and 'Girls School' (Col), fine \$8,500.

Mary Anderson (Libson) (1,000; 15-30-40)—'Brother Rat' (WB). Copping good play from juves and plenty of uniforms around lobby and up and down the main stem, worn by cadets from Kentucky Military Institute in town to catch the pic, lending atmosphere. Should get sizable \$6,000 and figure around to nibble for h.o. Last week, 'Birth of Baby' (Indie), okay, \$4,500.

Ohio (Settos) (900; 15)—'Town Girl' (20th) and 'Special Agent' (WB), split with 'Tovarich' (WB) and 'Missing Witnesses' (WB). Pacing for bright \$1,500. Last week, 'Paradise Isle' (Mono) and 'Hell Divers' (M-G), split with 'Missing Girls' (Mono) and 'First Lady' (WB), fair \$1,300.

Rialto (Fourth Ave.) (3,000; 15-30-40)—'Men With Wings' (Par) and 'Kins Alcatraz' (Par). Should push through for big \$10,000. Last week, 'Suez' (20th) and 'March of Time', \$9,000, fine.

Strand (Fourth Ave.) (1,400; 15-30-40)—'Service de Luxe' (U) and 'Alway Trouble' (20th). Not much over in the Dr. Kildare (M-G), but pick up fair \$2,900. Last week, 'Five King' (20th) and 'Mr. Doodle' (RKO). Strong matinees, light nights, rounded out okay \$4,000.

B'way Up, Election Hypooses, 'Heart' \$87,000, Holds; Deanna 57G, 'Citadel' Nice 45G, 'Rat'-Donahue-Herbert 42G

In spite of elections, business has held up well on Broadway. With good starts for most houses and Election Day hypo yesterday (Tues.), the week will add up stronger than average. Friday, (11) Armistice Day, will also help new pictures coming in, as well as those that are holding, latter including 'Young in Heart', 'Citadel', 'That Certain Age', 'Brother Rat' and 'Men With Wings', all of which are potent at the b.o.

'Young in Heart' did not open as an outstanding picture, but good notices and is building to a possible \$87,000 on its first week at the Music Hall. It begins a second tomorrow (Thurs.) Opening with it and off strongly is 'Citadel', which might come close to \$45,000 at the Capitol, while at the Strand 'Brother Rat', and in person, Al Donahue, Hugh Herbert and others, will go to around \$42,000, excellent. This show starts on a holdover Friday (11), while 'Certain Age', Roxy incumbent, also inaugurates a second session that day. The Deanna Durbin starer should hit \$5,000 or better, good.

'Men With Wings', on stage, Mark Warnow, Raymond Scott Quintet and others, finished a second good week at the Par last night (Tues.) to \$35,000, after nabbing \$47,000 the initial stanza and starts a third week today (Wed.). 'Arkansas Traveler' and the Larry Clinton band is due Wednesday (16).

Big business is also being shown by the State with 'Can't Take It With You' on screen (2d wk) and Milton Berle in person. Getting the second best opening day in the history of the house, house ought to hit around \$37,000. Record for the house is held by Rudy Vallee, \$44,500. Berle will be held over, rest of the show being changed tomorrow (Thurs.).

Criterion is enjoying better business than it has in a while. 'Girls School' likely to get \$9,500 or better on the week. This means nice profit. 'Gangster's Boy' is doing very well for Globe, where looking around \$9,000. Bookers have relied on top of the recent scare on the air, 'Mars Attacks the World' opened at the Rialto Monday (7) and started off well. It may get \$6,500 or over on the week.

Poorest business in town is being shown by 'Man to Remember' at the luckless Rivoli. It won't get \$10,000, week.

Opening date has not as yet been set for 'Pygmalion' at the Astor, but it will probably be around Nov. 22. 'Antoinette' closes a 14-week run Saturday night (19).

Estimates for This Week

Astor (1,012; 55-110-165-220)—'Antoinette' (M-G) (13th week). Last week (12th) \$5,300, quite low, but will remain here for another week, closing Nov. 19. 'Pygmalion' (M-G) follows on a twice-daily run, probably opening around Nov. 22.

Capitol (4,520; 25-35-55-85-125)—'Citadel' (M-G). Strong business, fairish take may be close to \$45,000 on the initial week, holding over. Last week, second for 'Stablemates' (M-G), around \$15,000.

Criterion (1,682; 25-40-55)—'Girls School' (Col). This one is doing better than it has here, and will be \$9,500 or better, good. Last week 'Touchdown Army' (Par), \$6,500, mildish.

Globe (1,274; 25-40-55)—'Gangster's Boy' (Globe). Acting very good trade, probably \$9,000. Last week 'Five of Kind' (20th) disappointed, though showing profit, \$7,700.

Palace (1,700; 25-35-55)—'Zoom Service' (RKO) (2d wk) and 'Alway in Trouble' (20th) (1st run), dual. This pair will get about \$9,000, 'Straight, Place and Show' (20th) and 'Secrets of Actress' (WB), both 2d run, remained only six days, \$5,400, poor.

Paramount (3,684; 25-35-55-85-99)—'Men With Wings' (Par) and on stage Mark Warnow orchestra, Raymond Scott Quintet, Marine Sullivan and Ann Miller (3d wk). Starts on final lap today (Wed.) after hitting \$35,000 on second week ending last night (Tues.), okay, and \$47,000 the first week, \$47,000.

Radio City Music Hall (5,980; 40-60-84-99-165)—'Young in Heart' (UA) and stage show (1st wk). Didn't open big, but is building to take of \$37,000 or better, good, and holds over. In the Dr. Kildare (M-G), first picture ever bought from Metro for the house, \$71,000, disappointing, but profit.

Rialto (750; 25-40-55)—'Mars Attacks the World' (U). Rushed in Monday (7) and getting a good, possibly \$8,500 or better on the week. It's resh of 'Flash Gordon' serial. Predecessor picture, 'Man With 100 Faces' (GB), \$4,500, fair.

Rivoli (2,082; 25-40-55-85)—'Man of

Tomorrow' (RKO). Another for this house that fails to get anywhere, looking this side of \$10,000. Last week 'Storm' (U) also dipped to under \$10,000.

Roxie (5,836; 25-40-55-75)—'Certain Age' (20th) and stage show. Deanna Durbin's latest is strong at the b.o. and will strike \$57,000 or more on its first week, holding, next week, third for 'Suez' (20th), \$38,500.

Strand (2,767; 25-55-75)—'Brother Rat' (WB), and in person, Al Donahue band, Hugh Herbert and others. Second best gross since stage show policy was installed here. Will be shown at around \$42,000, very good. Last week third, final stanza for 'Sisters' and Horace Heidt, near \$30,000, excellent.

State (5,535; 35-55-75)—'Can't Take It' (Col) (2d run) and Milton Berle. Powerful business is the answer to this combination, possibly \$37,000. Berle will be held over a second week, but rest of show, Ed picture will be changed. Last week 'Too Hot' (M-G) and Rudy Vallee built to a strong \$32,000, finishing potentially. Vallee holds record here of \$44,500, grossed on a holiday week.

'KILDARE' PLUS FREDDIE OK 17G, PROV.

Providence, Nov. 8.

Freddie Bartholomew's p.a. at Loew's State, and 'You Can't Take It' at Strand, are riding the crest. 'Mars Attacks World', recalled from mattheals, following rapid scare, flopped at RKO Albee and was yanked Monday (7).

Deanna Durbin's appeal helping Majestic with 'That Certain Age'.

Estimates for This Week

Albee (RKO) (2,200; 25-35-50)—'Service de Luxe' (U) and 'Dark Rapture' (U). Opened Tuesday (8). 'Youth Takes Fling' (U) and 'Mars Attacks World' (U) dropped after four-day run to poor \$3,000. Last week, 'Miss Manton' (RKO) and 'Swing Cheer' (U), neat \$8,000.

Carlton (Fay-Loew) (1,400; 25-35-50)—'Citadel' (M-G) and 'Leathernecks' (Rep) (2d wk). Holdover for nice \$4,500. Last week, 'Four's Crowd' (WB) and 'Girls Probation' (WB) (2d run), oke \$5,000.

Fay's (2,000; 25-35-40)—'Time Murder' (20th) and 'Sift'. Stiff opposition hurting, but good enough for fair \$6,800. Last week, 'Wives Suspicion' (U) and vaude, strong \$7,500.

State (Loew's) (3,200; 25-35-50)—'Dr. Kildare' (U) and vaude. Bartholomew on stage. Pacing for big \$17,000. Last week, 'Citadel' (M-G) and 'Leathernecks' (Rep), swell \$15,000.

Majestic (Fay) (2,300; 25-35-50)—'Certain Age' (U) and 'Mr. Wong' (Mono). Heading for very good \$3,000. Last week, 'Suez' (20th) and 'Meet Girls' (20th), fine \$7,500.

Playhouse (Indie) (1,400; 20-35)—'Captives in Germany' (Mal) and vaude. Opening Thursday (10). Last week, 'Convicted' (Col) and vaude, so-so \$3,800.

Strand (Indie) (3,200; 25-35-40)—'Can't Take It' (Col). Giving house strongest take in months with swell \$10,000. House, dark since hurricane, opened Friday (4).

'PROF. BEWARE' IN PLAGIARISM SUIT

Harold Lloyd and the Harold Lloyd Picture Corp. were sued Monday (7) in N. Y. supreme court for alleged plagiarizing of William Jordan Rapp and Lowell Bentrude, authors, who claim the defendants thefted part of their book, 'Greek to You', in Lloyd's 'Professor Beware' (Par). Suit is for \$75,500 damages.

Plaintiffs aver that in November, 1934, they gave the defendants a 60-day option on the book for which they received \$1,500. They were to get an additional \$8,500 plus 1-4% royalties on the picture's gross on \$1,000,000 to \$4,000,000. Lloyd failed to take up the option, it is claimed, but lifted parts of the book.

SPEAKING OF PERFORMANCE

Week after week Variety is the operating guide of the film industry—accurate with its exclusive news of production, distribution and exhibition.

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Not once in a while, but 52 times a year Variety performs.

VARIETY

NEW YORK • HOLLYWOOD • CHICAGO • LONDON

Heat Wrecks Cleve.; 'Citadel' OK 14G, RKO Vaude Back After 3 Red Wks.

Cleveland, Nov. 8. Old Sol, whose warm rays are setting some record high temperatures for November, is Film Row's worst enemy here. It always has been a country club-nic town, so extremely moderate weather is making localities more outdoor-minded than theatre-conscious.

Only thing saving the day is abundance of punchy product and socko exploitation campaigns. Best example of both is 'Citadel,' which corraled most of the weekend trade as result of excellent promotion of book by department stores. It's steaming along for smart \$14,000 at State, assuring a h.o. in Loew's downtown sister house.

RKO's deluxe Palace has been taking such a beating on straight films that Nat Holt is going into new vaude-presentation policy. Friday (11) with Gene Autry as initial name. Warners holding 'Suez' an extra four days, a lucrative 11-day run, to shift Hippo into Wednesday openings until Thanksgiving is over. Change rather confusing for natives, as it practically gives 'Brother Rat' a mid-week start. 'Five of a Kind' got off so miserably that Allen may yank the Dionne troupe days.

Estimates for This Week
Allen (RKO) (3,500; 30-35-42-55) —'Five Kind' (20th). Shellacked by crickets; weak \$3,500. Last week, 'Sisters' (WB), also scheduled for \$4,000, despite good week at Hippo.
Hipp (Warners) (3,700; 30-35-42-55) —'Suez' (20th). Big dividend estimate, due to revamped pre-holiday sked, but four-day h.o. is good for \$4,200. Aided by favorable reviews and strong publicity, 11 days are sending take powerful \$17,700. 'Brother Rat' (WB) opens tomorrow (Wed.).

Palace (RKO) (3,200; 30-35-42-55) —'Hard Get' (WB). Big dividend estimate, due to revamped pre-holiday sked, but four-day h.o. is good for \$4,200. Aided by favorable reviews and strong publicity, 11 days are sending take powerful \$17,700. 'Brother Rat' (WB) opens tomorrow (Wed.).

Rooney-Beery Lead Lincoln with \$4,000

Lincoln, Nov. 8. It's 'Stablemates' by three lengths over the rest of the town. Mickey Rooney for governor on a write-in, he having sold himself right and handsome a week ago at the Nebraska-Indiana football game by making a personal appearance on the field as a handsome cheerleader, a bigger bally than has ever been conceived around these parts.

Rest of the row is so-so. Varsity trying to sensationalize the 'I Am an Actor' and 'I Am an Actor' Lincoln duelling 'Arkansas Traveler' and finding it fairly good, and the Orpheum splitting 'Vacash from Love' and 'Sons Legion' (Col), also average. 'Garden of the Moon' went for second week to the Kiva, bolstered by a re-run of 'Hoosier Schoolboy' with some Rooney takers.

Estimates for This Week
Colonial (NTI-Noble-Monroe) (750; 10-15) —'Married Saps' (GN) and 'Durango Riders' (Rep) split with 'Juvenile Court' (Col) and 'Colorado Trail' (Col). So-so \$800. Last week, 'King Sierras' (GN) and 'Highway Patrol' (Col), four-day run, \$500, average.

Kiva (NTI-Noble) (440; 10-25-35) —'Garden Moon' (WB) and 'Schoolboy' (Mono). Second week for 'Garden' from Varsity; Rooney pic helping to furnish \$1,000. Last week, 'My Heart' (UA) \$1,000.
Liberty (LTC-Cooper) (1,200; 10-15) —'Raw Timber' (Cres) and 'Blonde Cheat' (RKO) split with 'Numbered Woman' and 'Mysterious Rider' (Par). Fairish \$800. Last week, 'Meet Girls' (20th) and 'Moto' (20th), split with 'Happy Ending' (20th) and 'Old Mexico' (Par), good \$1,000.

Orpheum (LTC-Cooper) (1,350; 10-15-20-25) —'Smashing Rackets' (RKO), split with 'Vacation Love' (M-G). All right \$1,000. Last week, 'My Bill' (WB) 'Beloved Brat' (WB), 'Men Are Such Fools' (WB), singly, poor \$700.

Lincoln (LTC-Cooper) (1,600; 10-25-35) —'Arkansas Traveler' (Par) and 'Touchdown Army' (Par). Good \$3,200. Last week, 'Suez' (20th), drew conventioning schoolma'ams for bid \$4,400.
Stuart (LTC-Cooper) (1,900; 10-25-40) —'Stablemates' (M-G). Head-

ing for \$4,000, sweet. Last week, 'Sinners' (Par) \$3,500, nice.
Varsity (NTI-Noble) (1,100; 10-25-35) —'Am Law' (Col). Will do well to get \$1,500, slim. Last week, 'Garden Moon' (WB), came off with \$2,000, but was dually and moved over to the Kiva for an extra week. House slipped from the top price of 40c to 35c. Puts it in competition with the Cooper Lincoln, instead of the de luxe Stuart.

Temp., Election Grid Batter Pitt; 'Suez' Great 15G

Pittsburgh, Nov. 8. Warm weather and football hysteria still battering the daylight out of grosses and climax of hottest vote scramble in years, also coming this week, isn't helping any either. In fact, town's having its worst fall in several seasons and doesn't look like there'll be any sort of break until the mercury quits those midsummer recordings.

Only attraction getting by is 'Suez' at Alvin, over-riding critics' veto and slapping down heavy take to insure second week and possibly third. Otherwise, 'Suez' the doldrums. 'Men with Wings' getting nowhere near biz for a flicker of epic proportions at Penn, and the Warner will likely hit a new low with 'Mr. Doodle Kicks Off' and 'Broadway Musketiers.' Fulton likewise hitting rock bottom with 'Campus Confessions,' and George Olsen on stage and 'Listen Darling' are just getting by at Stanley.

Estimates for This Week
Alvin (Harris) (3,300; 25-35-50) —'Suez' (20th). Tyrone Power's the answer. Femmes still ga-ga over him and giving Alvin its biggest maul in several weeks. Picture drew a lively panning from the critics, but Powers' rating for pretty close to \$15,000. 'Suez' a second week. Last week, 'Certain Age' (U), in second stanza, got around fair \$7,000 on heels of \$12,000 grand opener.

Fulton (Harris) (3,500; 25-40) —'Campus Confessions' (Par) and 'Sons Legion' (Par). Weak twinner will get nowhere and rock-bottom \$2,500, if that, in sight. Last week, 'Smashing Rackets' (RKO) and 'Men Fools' (WB), not too bad at \$3,800.
Penn (Loew's-UA) (3,300; 25-35-50) —'Men Wings' (Par). Big advertised splash in newspapers and magazines no help and air epic just managing to do average biz. Not much more than \$11,500 in prospect. Last week, 'Sinners' (Par), \$14,500, n.s.g.

Stanley (WB) (3,600; 25-40-60) —'Listen Darling' (M-G) and George Olsen's band. Picture figured to be natural coming just before Bartholomew's personal. Olsen on stage helping some, but not doing as much as in past, possibly because Ethel Estimation for \$17,000 looked for. Last week, Bartholomew in person and 'Hard to Get' (WB), sluggish \$16,500.

Warner (WB) (2,000; 25-40) —'Broadway Musketiers' (WB) and 'Mr. Doodle' (RKO). Looks like a new low for this spot at not much more than \$2,000 in six days. Will be advertised tomorrow (9) day ahead of schedule in favor of 'Girls Probation' (WB) and 'Vacation Love' (M-G). Last week, 'Annabel' (RKO) and 'King Alcatraz' (Par), all right at \$4,400.

'SUEZ' \$8,500, 'RAT' \$7,000, BIG IN SEATTLE

Seattle, Nov. 8. Into sixth week, with no indications of a letdown, 'Can't Take It With You' is getting the first heavy blast of advertising. Newspaper barrage is coaxing them out in droves by shouting it's the final week. Such a big display campaign in the sixth week of a pix is unusual.

Estimates for This Week
Blue Mouse (Hamrick-Evergreen) (850; 32-37-42) —'Certain Age' (U) and 'Campus Confessions' (Par). Moveover after two weeks at Paramount indicates good \$2,800 here. Last week, 'Boy's Town' (M-G), (6th week), nine days, \$3,000, good.
Coliseum (Hamrick-Evergreen) (1,300; 21-32) —'Suez' (20th). 'Alexander's' (20th) and 'Bulldog

Drummond' (Par), 10 days, big \$4,300.
Colonial (Sterling) (800; 10-21) —'Colorado Trail' (Col) and 'Convicted' (U), split with 'Wives Suspicion' (U) and 'FPI' (Rep). Expected only \$1,800, mid. Last week, 'Dracula' (U) and 'Frankenstein' (U), \$2,800, big.

Fifth Avenue (Hamrick-Evergreen) (2,349; 32-37-42) —'Great Waltz' (M-G) and 'Vacation Love' (M-G). Nice campaign. Anticipates \$6,800, okay. Last week, 'Men Wings' (Par), \$6,800, good.
Liberty (J-VH) (1,800; 21-32-42) —'Can't Take It' (Col) (6th week). Holding up great, big \$6,000. Last week, fifth, same film, \$7,000, wonderful.

Music Box (Hamrick-Evergreen) (850; 32-37-42) —'Men Wings' (Par). Moved over from Fifth; indicates fair \$2,500. Last week, 'Arkansas Traveler' (Par), second, \$2,100, okay.

Orpheum (Hamrick-Evergreen) (2,800; 32-37-42) —'Brother Rat' (FN) and 'Personal Secretary' (U). See big \$7,000. Last week, 'Miss Manly' (RKO) and 'Broadway Musketiers' (FN), good \$5,200.

Palomar (Sterling) (1,350; 16-37-42) —'Always Trouble' (20th) and 'Desperate Adventure' (Rep), plus vaude. Looking for good \$4,000. Last week, 'City Streets' (Col) and 'Big Top' (Mono), plus Pinky Tomlin in person, big \$4,600.

Paramount (Hamrick-Evergreen) (3,039; 32-37-42) —'Suez' (20th). Headed for great \$8,500. Last week, 'Certain Age' (U) and 'Campus Confessions' (Par), second week, \$5,200, good.
Roosevelt (Sterling) (800; 21-32) —'Am Law' (Col) and 'Boy Meets Girl' (WB). Anticipate good \$2,800. Last week, 'Tough Guy' (U) and 'Gladiator' (Col), \$1,900, slow.

Det. Biz Spotty; 'Take It'-Vaude Smash \$35,000

Detroit, Nov. 8. Biz continues spotty, with most activity centered at the Fox, playing 'You Can't Take It With You' with vaude. 'Suez,' moved to Adams after nice schd at Fox, giving that circuit its first big box office some time ditto for 'Men With Wings,' now at Palms-State following neat stanza at Michigan previous week.

Estimates for This Week
Adams (RKO) (700; 30-40) —'Suez' (20th) (2d run) and 'Meet the Girls' (20th). Moved here after big sesh at Fox. Suez figures for neat \$3,800. 'Meet the Girls' (20th) strength. Last week nice \$28,000 for 'Suez' (20th) and vaude.
Michigan (United Detroit) (4,000; 30-40-65) —'Michigan' (M-G) and 'Carey's Chickens' (RKO). Due for Carey's Chickens, last week, 'Men Wings' (Par) plus 'Garden Moon' (FN), neat \$3,000.

Palms State (United Detroit) (3,000; 30-40-50) —'Men Wings' (Par) (2d run) plus 'You Born' (WB). Aviation flicker moved here after sesh at Michigan. Figures for good \$5,500. Last week, 'Giants' (WB) plus 'Kid' (Rep), \$4,800, fair.
United Artists (United Detroit) (3,000; 30-40-50) —'Men Wings' (M-G). Under expectations at \$7,500. Last week, 'Citadel' (M-G), \$7,300, so-so.

Snow Crimps Denver, But 'Suez' OK \$10,500

Denver, Nov. 8. Severe cold snap and snow, first of this year, put crimp in grosses, but they snapped back Sunday (6) with milder weather.

Estimates for This Week
Albion (Fox) (400; 25-35-50) —'Service de Luxe' (U). Strong \$4,000. Last week, 'Can't Take It' (Col), big \$4,500 and moved to the Broadway.
Broadway (Fox) (1,100; 25-40) —'Can't Take It' (Col) after a week at each the Denver and 'Gladdin' (WB) \$3,000. Last week, 'Hot Hand' (WB) and 'Blockheads' (M-G), nice \$3,000.
Denam (Cockrill) (1,750; 25-35-40) —'Thanks Memory' (Par). So-so \$5,300 in six days. Last week, 'King Alcatraz' (Par) and Ben Blue stage show, so-so \$7,000.

Desa (Fox) (2,525; 25-35-50) —'Suez' (20th). Big \$10,500. Last week, 'Straight, Place' (20th), helped along by the Gypsy Rose Lee unit, big \$13,000.
Orpheum (RKO) (2,800; 25-35-40) —'Stablemates' (M-G) and 'Mr. Doodle' (RKO) (10 days). Okay \$8,900. Last week, 'Room Service' (RKO) and

Mpls. Reaching for Crying Towels; Ritzes-Casa Loma Orch Good 16G

'Man Remember' (RKO), four days (finishing a full week), and 'Stablemates' (M-G) and 'Mr. Doodle' (RKO), three days, good \$5,200, with latter dual doing most of the business.
Paramount (Fox) (2,200; 25-40) —'Am Law' (Col) and 'Freshman Year' (U). Good \$4,000. Last week, 'Four's Crowd' (WB) and 'Girls Probation' (FN), good \$4,000.
Rialto (RKO) (878; 25-40) —'Straight, Place' (20th), after a week at the Denver, and 'Flight Fane' (Col). Nice \$2,000. Last week, 'Drums' (UA), after a week at the Paramount, and 'Juvenile Court' (Col), go-d \$2,000.

Voting, Heat Clip Cincy; 'Suez' 11½G, OK 'Waltz' 11½G, OK

Cincinnati, Nov. 8. Election week and post-summer temperature no balm for exhibs, yet biz currently is slightly up on last week's, which felt effect of Halloween.
Heading the takes of fresh releases is 'Suez' at the Albee. 'Great Waltz' also is racking up a good figure for the 'Drums' (UA) and 'Flight Fane' (Col). Shubert. Latter house dropped back to burg's 35-42c, pop scale after maintaining a 55c top on runs of 'Alexander' and 'Can't Take It With You.' Keith's has a fair grosser in 'Five of a Kind.'

Estimates for This Week
Albee (RKO) (3,300; 35-42) —'Suez' (20th). Good \$11,500. Last week, 'Citadel' (M-G), okay \$12,000.
Capitol (RKO) (2,000; 35-42) —'Citadel' (M-G) (2d run). Poor \$3,500. Last week, 'Stablemates' (M-G) (2d run), big \$8,500.
Family (RKO) (1,000; 15-25) —'Crime Over London' (G-B), 'In Old Mexico' (Par), 'Vampire Bat' (Maj), separate, Normal \$2,100. Ditto last week on 'Wanted Police' (Mono), 'Under Western Stars' (Rep), 'Fugitives' (RKO), singly.

Grand Central (2,200; 25-40) —'Stablemates' (M-G) (3d run). Swell \$3,700. Last week, 'Boys Town' (M-G) (3d run), good \$3,000.
Kelt's (Libson) (1,500; 35-42) —'Five Kind' (20th). Fair \$4,000. Last week, 'Sisters' (WB) (2d run), okay \$4,200.
Lyrie (RKO) (1,400; 35-42) —'Arkansas Traveler' (Par) (2d run). Slow \$3,500. Last week, 'King Alcatraz' (Par) and 'Freshman Year' (U), poor \$3,000.
Palace (RKO) (2,800; 35-42) —'Great Waltz' (M-G). Good \$11,500. Last week, 'Arkansas Traveler' (Par), fair \$10,000.
Shubert (RKO) (2,150; 35-42) —'Drums' (UA) (2d run). \$8,000. Last week, 'Can't Take It' (Col) (5th wk.); 35-40-55c, scale well \$5,500, bringing total for engagement to \$7,500.

French Co.'s Suit Vs. UA Over 'Modern Times'

Depositions of Carter de Haven and Max Munn Autrey have been ordered taken on the Coast by N. Y. Federal Judge William Bondy Dec. 15 at the request of United Artists Corp., in preparation of its defense in the suit brought by Films Senores Tobis, S. A., of France.

Foreign picture outfit claims UA thefted some of the material of its picture, 'A Nous La Liberté,' for use in the Charlie Chaplin picture, 'Modern Times.' Plaintiff wants an accounting and profits.

Lola Lane's Personals

Lola Lane will come east for a personal appearance tour. Opens at the State, Hartford, Nov. 15, for five days. Follows at Paramount, New York, Nov. 24, for full week.
Charlie Allen is lining up other dates for film access via his Coast reps, Crawford, Winslow & Curtis.

Ellen as the Lady

Hollywood, Nov. 8. Ellen Drew, recovering from an appendectomy, is signed to play the femme lead opposite Gypsy Rose Lee in Paramount's 'The Lady's From Kentucky.'
Jeff Lazarus is the producer and Alexander Hall directs.

Minneapolis, Nov. 8. State election has been copping interest away from theatres this week and business, which generally has been in a slump for fortnight or longer, is even more on the friz. Plenty of use for the crying towel around here.

Current spotlight centers mainly on the Orpheum, where Glen Gray's Casa Loma orch, stage show and 'Straight, Place and Show' hold forth. It's easily the best loop box-office bet, parading in view of the fact that, for the second time in recent weeks, two of the leading film houses, the State and Century, are housing holdovers, 'Men with Wings' and 'That Certain Age,' respectively.

Newcomers, aside from the Ritz Bros. picture, are 'Campus Confessions,' 'Dates Eyes' and 'Mr. Wong, Detective,' at the Gopher. World and Time, and the Aster's dual. None cutting much boxoffice ice.

Estimates for This Week
Aster (Par-Singer) (900; 15-25) —'Mr. Doodle' (RKO) and 'Girls' School' (Col), first-runs. En route take \$1,500. Last week, 'Annabel' (RKO) and 'Moto' (20th), first-runs, split with 'Renege Ranger' (RKO) and 'Flight Fane' (Col), also first-runs, \$1,500, good.

Century (Par-Singer) (1,600; 25-35-40) —'Certain Age' (U) (2d week). Moved here from Orpheum after big week there and still hitting the ball. Heading for good \$6,000. Last week, 'Daughter' (RKO), \$5,000, good enough after fine \$9,000 first week at State.

Gopher (Par-Singer) (980; 25-35-40) —'Campus Confessions' (Par). Second week out for this practically new loop first-run house. Traveling at fairly fast \$2,800 gait. Last week, 'Catalina' (20th), \$3,000, good.
Orpheum (Par-Singer) (2,800; 35-40-55) —'Straight, Place' (20th) and Glen Gray's Casa Loma orch heading stage show. Word-of-mouth boosting and critics' praise expected to bring 'em in, but \$16,000 only fairly good. Last week, 'Certain Age' (U), \$10,000, big.

State (Par-Singer) (2,300; 25-35-40) —'Men Wings' (Par) (2d week). Slowing down after profitable initial canto, but still pretty good \$5,000. First week, \$5,500, big.
Time (Par-Singer) (1,500; 15-25) —'Mr. Wong' (Mono). One of the infrequent first-runs for this house. Karloff a draw. Galloping toward nice \$80k.
Club de Femmes (French) (2d week), \$600, okay.

Uptown (Par) (1,200; 25-35) —'Tacky Star' (20th). First name showing satisfactory \$2,000 indicated. Last week, 'Antoinette' (M-G), \$3,200, big.

World (Steffes) (350; 25-35-40-55) —'Dates Eyes' (20th). Just a filler-in, but Simone Simon attracting some customers. Light \$900 indicated. Last week, 'Drums' (UA) (3d week), satisfactory \$1,200 on heels of \$3,000 and \$2,000 first and second weeks, respectively.

'GREAT WALTZ' SLOWS DOWN IN K.C. TO \$8,300

Kansas City, Nov. 8. Biz in 'average' groove, with the spotlight on the Newman and Tower. 'If I Were King,' at Newman, is turning a brisk turntable. Tower is out in front with Gypsy Rose Lee in person as the magnet. Film is of little account at the h.o. here.
'The Great Waltz' at the Midland is disappointing with poor figure to its credit. Figured strictly a class film with the costume angle against it and no particularly heavy name for the ticket.

Full day of rain end of last week has ended the unseasonal warm weather.

Estimates for This Week
Esquire (Fox-Midwest) (820; 10-25-40) —'Suez' (20th) (2d week). Fairish pace; \$3,000 not bad. Last week, same film, \$3,500, good.
Midland (Loew's) (1,575; 10-25-40) —'Great Waltz' (M-G) and 'Crime Holiday' (Col). Trade lightweight at \$3,800. Last week, 'Citadel' (M-G) and 'Girls' School' (Col), mediocre \$900.

Newman (Paramount) (1,900; 10-25-40) —'If King' (Par). Doing right by the house; \$10,000, very good. Last week, 'Suez' (20th), healthy \$7,000.
Orpheum (RKO) (1,500; 10-25-40) —'Bride of Frankenstein' (U) and 'Dracula's Daughter' (U) (reissues). Fair are worth the effort at \$5,500. Last week, 'Brother Rat' (FN), good \$7,300.

Tower (Fox-Midwest) (2,050; 10-25-35-55) —'Road Reno' (U) with Gypsy Rose Lee unit on stage. See-gapped picture, is signed to play the femme lead opposite Gypsy Rose Lee in Paramount's 'The Lady's From Kentucky.'
Uptown (Fox-Midwest) (1,200; 10-25-35) —'Tacky Star' (20th) week. Currently good \$4,000, added to first week's nifty \$4,000.

Better Third Quarter Income Plus Par's Televish Feature Stock Mart

By MIKE WEAR

The stock market blew cold and then hot during the past week, with the two holidays this week forcing many traders to the sidelines. The market was closed yesterday (Tuesday) because of election and will shutter again Friday (11), Armistice Day. Though these forthcoming holidays served to quiet activity down and cause minor dips, a spirited move Monday (7) based on a report in the nation's business and optimism over election results showed many sections of the market into higher ground.

Although many picture issues only showed minor gains after the Monday advance, best gainers registered new 1938 highs while others managed to edge near old peak prices. General Theatre Equipment, at 16 1/2, and American Seating, at 23 1/2, each representing gains of nearly one point, Eastman Kodak, at 18 1/2, and Universal preferred, at 63 1/2, an advance of 3/4, all registered new highs. Columbia Broadcasting B stock rose 1 1/4 to the Class A advanced one point. Westinghouse failed to better its previous top at its scored 4 1/2 points.

Loew's, Columbia Pictures, Consolidated Film pfd., Paramount common, Pathe Film, 20th-Fox common and Warner Bros. all climbed within fractions or striking distance of former 1938 tops. Paramount first preferred rose a full point higher to 90 1/2. Old high was 101 1/2. Warner Bros. preferred also was up a point while RKO hit \$3 per share.

Past week was noteworthy for the number of three-quarter reports issued by picture and radio companies, including CBS, RCA, 20th-Fox, Paramount, Consolidated Film, and quantity of dividend declarations. Perhaps the most satisfying financial report was that by 20th-Fox, covering 39 weeks, which showed net profits off comparatively little as against a year ago. Though the divvy distribution by 20th was anticipated, the healthy declaration on Roxy Theatre, Inc., was a surprise. The company declared an extra dividend of 25c, in addition to a quarterly declaration of 25c, also provided cheer.

Two developments disturbed the tranquil attitude towards amusement shares, most important market-wise being Stanton Griffiths' revelations about Paramount's television plans. However, the declarations in Hollywood came too late to have any effect in Monday's trading.

20th-Fox Selling

The other was the SEC report showing that Chase National had disposed of some shares in 20th-Fox. This means that Darryl Zanuck, Joe Schenck and Chase, always a heavy stockholder in the company, have been selling 20th-Fox shares in the last 30 days. Originally, the sale of these shares was attributed to the fact that 20th might shortly divorce its holdings in Fox-West Coast. Subsequently, financial circles heard that disposition was made simply because the three parties concerned were interested in diversifying their holdings. These same observers claimed to see no reason for getting out of 20th-Fox even if theatre divorcement was carried through because they deemed the stock equally good for the long pull under changed circumstances.

Prediction that television is much closer to an accomplished fact than the public imagines, made by Griffiths in Hollywood, as he revealed some details of plans for Paramount to keep pace with developments obviously was regarded as bullish for Par shares. His angle that present newsreel activities in reporting major events would be coordinated for television use was in line with what television experts said in New York two weeks ago. Fact that Griffiths excluded coaxial cable usage for the present as too costly and named the motion picture as a medium for television use was taken to mean in Wall Street that Paramount was alive to full television possibilities.

Sustained strength in Consolidated Film Industries preferred shares was fundamentally based on the improved earnings possibilities of the corporation. Holders of these shares will receive \$1 in dividends this year which is 8c at \$13 or \$14 per share means 8c return on the coin put into the stock. When the stock was selling at \$7 and \$8, it represented 12 1/2% return or better. In

addition, continued improvement in income would promise a chance for early payoff on past due divvys on these preference shares. There is around \$6 due on them in back dividends.

After the present advance apparently has been completed, various reports were circulated regarding the possibilities of Pathe Film common stock. Fact is that no regular action on a dividend is due until after Thanksgiving day and there has been little indication that any distribution will be made on the common because 585,000 shares currently are outstanding. Maintaining the present \$7 annually on the preferred, with only 7,000, is regarded as more important. Better earnings by Du Pont Film, in which Pathe holds around 35% stock interest, which have been reported from time to time, doubtless would help the position of the company and speed a common dividend.

2,000-Foot Reels Not Yet Accepted in Eng., Biggest Foreign Mart

While 2,000-foot reels are being used by a vast majority of exhibitors in this country, film industry is still waiting to hear what action will be done on the larger spools in Great Britain, largest single market outside of U. S. Last reports showed that a survey was being made in that country to ascertain how many theatres were doubling up reels already and the actual number of exhibitors who would have to go to considerable expense to equip themselves to handle the 2,000-foot reels. Not known thus far. The bigger reels have been accepted in few foreign countries to date.

The 2,000-foot reels in this country to date have eliminated fewer so-called "dead" spots in a picture. These are changeover sections of a picture where there must be little dialog and virtually no score. More important, the bigger reels have decreased the fire hazard, it is reported, because there are fewer units (reels) to handle. Experts on fire precaution see this as an outstanding feature of the bigger reels.

Actually, there is a saving of only about 77 feet of leader film (black film containing no emulsion) for each average feature. Figuring 200 prints necessary for each feature, the domestic market, company distributing 50 features annually would save \$3,800 to \$7,700 under the 2,000-foot setup. Practically, however, there will be little saving with 2,000-foot reels for the time being because of the outlay for new reels, vault changes, etc.

Shearer Sound Equipment Given First Coast Tryout

Hollywood, Nov. 8. New sound equipment evolved at Metro by Douglas Shearer and his associates was used for the first time at the preview of "The Great Waltz" at Westwood Village theatre. Equipment gives a theatre the same sound quality as a studio laboratory, and can be quickly installed or removed. It contains improvements for which Shearer won scientific honors and an Academy award.

Calif. Steps to Fetch It

Sacramento, Nov. 8. Stepin Fetchit (Lincoln Perry in private life) is defendant in a suit filed by the State to collect \$2,728 in income taxes.

Delinquency covers taxes for 1937.

Hecht Scripts 'Freedom'

Hollywood, Nov. 8. Ben Hecht gets the writing job on "Let Freedom Ring," the musical western to be produced at Metro by Harry Rapf, starring Nelson Eddy. Another important scribbling assignment is that of Salka Viertel on "Madame Curie" for Greta Garbo.

Imperial's \$1 Stock

Washington, Nov. 8. Way was cleared last week for offer of 424,000 shares of \$1 common stock of Imperial Pictures when Securities & Exchange Commission received supplemental registration statement outlining the marketing arrangements.

Paper will be peddled at \$1.50, bringing in \$636,000, through Smith Frizzelle & Co.

SEE A GREATER SHOWMANSHIP OF LATE

Minneapolis, Nov. 8.

Minneapolis film exchanges report record sales of advertising accessories during the past three months, indicating increasing exhibitor exploitation consciousness, in the trade's opinion. Such authorities here as Morris Abrams, Metro exploiter, declare that independent exhibitors in the territory are more on their toes than ever as far as showmanship is concerned. The present industry drive has helped to "awaken" theatre-owners, he feels. The biggest factor, however, is the fact that it is becoming increasingly difficult to attract customers, due to economic conditions, increasing radio and other opposition, and greater public resistance to films generally, local branch managers believe.

"So exhibitors in the territory are working harder than I've seen them toil in all my long experience in the industry," says Abrams. "They are spending more money on newspaper and other advertising matter. They are making more tieups and overlooking fewer selling bets and angles. They realize they have to be alive and they're not loading on the job."

Abrams says that a hopeful sign has been that so many of the exhibitors contacted by him have not depended entirely on press books for their exploitation ideas, but have come across with numerous original stunts conceived by themselves or their employees.

During the past several months, theatre business throughout the territory has shown a substantial pickup and credit for this has been given to improving showmanship as well as to the strong product, the industry drive, and somewhat improved economic conditions.

Scheduling RKO's Sales Drives for Jules Levy

District sales managers of RKO are setting aside different weeks for special drives on sales, playdates and billings as a tribute to Jules Levy.

Walter Branson has set aside the week of Oct. 29 for his midwestern territory; H. C. Cohen Nov. 5 for the west; H. M. Lyons Nov. 12 for the southeast; Sol H. Sachs Dec. 3 for the southwest; Herb MacIntyre Dec. 10 covering the northeast, and N. Levy, Dec. 10 for the east central district.

S.E.C. Stock Reports

Washington, Nov. 8. Only inconsequential operations by film corporation insiders in September were revealed last week by the semi-monthly S.E.C. statement on ground-floor transactions. Resuming the campaign to salvage the old Fox paper, the Chase National Bank unveiled 3,500 shares of 20th Century-Fox common, cutting its stake to 337,358 shares. Institution vaults still contain 681,916 shares of preferred.

Other deal was sale of 200 shares of Loew's common by Col. Edward A. Schiller, who hangs on to 400 pieces.

Run Little Chillun

Hollywood, Nov. 8. Claude Rains co-stars with Boris Karloff in the horror film "The Return of Dr. X," at Warners. Picture gets a heavy budget due to the current popularity of chillers. Ann Sheridan, Margaret Lindsay and Gloria Dickson are testing for the femme lead.

Par's \$1,876,469 Earnings for First 9 Mos.; RCA, 20th and CBS' Profits

Paramount showed officially estimated earnings of \$1,876,469 in the first nine months this year as compared with consolidated earnings of \$6,696,000 in similar period last year. This was figured to be equal to a little more than 40c per share on the common, after providing for dividend distributions of about \$890,000 on two classes of preferred stock.

Most surprising feature of estimated earnings statement issued last week was that Paramount's share of undistributed earnings of partially owned subsidiaries amounted to \$1,080,000 while in comparable nine months in 1937, this share totaled \$1,420,000. This was taken to mean in Wall Street that income from theatres picked up in the first nine months this year while profit from picture company operation dipped abruptly. In 1937, the theatre income actually was below that of this year, according to the same line of figuring.

Paramount showed estimated earnings of \$650,658 for the third quarter ending Oct. 1 as against \$2,398,000 total in similar period of 1937. Of this amount for 1938, \$495,000 was figured to represent Par's net interest in undistributed earnings of partly owned non-consolidated subsidiaries. Company showed \$830,866 in the first quarter this year.

Included in the estimated total for nine months this year, was \$245,000 profit on the purchase of debentures of Paramount Pictures, Inc.

RCA's \$4,141,205 Net

Net profit of Radio Corp. of America for the first nine months this year dipped approximately \$2,400,000 as compared with the same period last year. Company's report last week showed net profit to be \$4,141,205 as compared with \$6,599,111 in the first nine-month period of 1937. Actual gross income dipped nearly \$13,000,000 for the first three quarters as compared with same period last year.

Fact that distributions for preferred stocks in the first nine months was the same as last year, \$2,417,276 left only \$1,723,928 available for distribution among 13,881,016 common shares. In 1937, there was left \$4,181,835 for common shares. Per share share earnings were a little over 12c per share as against slightly above 30c in 1937.

Company's net profit for the third quarter ending Sept. 30 amounted to \$1,616,449 as against \$1,951,726 in the third quarter last year. Gross income dropped nearly \$5,000,000 in this quarter as compared with the third quarter of 1937. Recently declared 20c dividend on the common will be taken out in the final quarter earnings, indicating that RCA has hopes of showing more than 8c on the common in the last quarter this year.

CBS' Net Of \$447,000

Net profits of Columbia Broadcasting System and subsidiary companies dipped approximately \$447,000 in the first 39 weeks this year as compared with this period in 1937, according to the consolidated income statement issued last week. At the same time, the directors declared quarterly dividend of 25c and a special cash divvy of 10c on both Class A and B shares, both payable Dec. 9 to stock on record Dec. 1.

Columbia Broadcasting net profit was \$2,006,157 for the first three quarters, as against \$3,053,416 in similar period last year. Earnings for the first 39 weeks represented \$1.53 on each share of stock, as compared with \$1.79 last year in the same period.

With the 35c cash distribution declared last week, CBS has paid or will pay \$1.25 per share this year, which is fully covered by the per share earnings shown even in the first three quarters.

Although gross income from sale of facilities, talent and wires dipped nearly \$1,000,000 in the three quarters covered by the statement as compared with 1937, saving on time discount and agency commissions this year brought gross income to \$17,062,915, or only about \$300,000 off from a year ago. However, this economy was offset by an increase of close to \$300,000 in selling, general and administrative expenses. CBS also showed higher interest charges and about \$50,000 more charged off for depreciation than in 1937. All

of these increases brought the decline in final net profit total.

20th-Fox's \$4,622,091

Net operating profit of 20th Century-Fox in the first 39-week period this year was off only about \$200,000 as compared with the same period last year. Report of earnings issued last week showed that the company's operating profit was \$4,622,091 as against \$4,898,993 in the first 39 weeks of 1937. Unusual feature was that the third quarter this year ending Sept. 24 showed profit of \$1,202,433 or slightly above the \$1,143,410 profit in the third quarterly period in 1937.

Directors at the meeting on Nov. 3 declared 50c dividend on the common and the usual 37 1/2c quarterly on the preferred. This makes a total of \$2 that has been paid or declared payable already this year on the 20th-Fox common. Both divvys are payable Dec. 15 to stock on record Dec. 1.

Company's report showed that profit was equal to \$2.01 per common share after providing for the preference stock dividends, which means that declarations on common shares already have been covered by earnings for the first 39 weeks this year. Statement showed that there were 1,741,982 shares of common outstanding as of Sept. 24.

Current earning rate of 20th-Fox indicates that the company will show around \$2.50 per common share after taking care of preferred divvy requirements.

Gross income for 20th-Fox for the first 39 weeks totalled \$42,738,822. Aside from operating expenses, amortization of production costs and participation in film rentals, all listed as expense items, largest deduction for this period of operation was \$874,348 needed for Federal income taxes.

Con. Film's \$536,205

Consolidated Film Industries, Inc., and subsidiaries showed net earnings of \$536,205 for the nine-month period ending Sept. 30, or more than enough to pay \$1 preferred dividend this year. Company showed a neat pickup in earnings in the September quarter when net of \$218,763. This was equal to 50c on each preferred share of 400,000 outstanding, and 3 1/2c on each of 524,073 common shares. Consolidated showed \$1.34 per preferred share for the first three quarters this year with indications that total net for the year would be equivalent to \$1.75 or more on preferred stock.

Consolidated's improved earnings are attributed to the fact that laboratory work has been expanding and the company is reaping its share of the picture in public buying of phonograph records. Company has a stake in several recording outfits.

While no dividend coin is anticipated from this year, Republic Pictures, in which Consolidated owns a substantial interest, is building up reserves which speaks well for the future of both Consolidated and Rep. Republic's income is reported on a steady upward because of buying of phonograph records. Company has a stake in several recording outfits.

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240 U. S. FILMS INTO JAPAN

Greece Looms as Good Possibility For Venturers Into Show Biz

By E. P. JACOBI

Athens, Oct. 26.

Indications are that Greece would be the Eldorado of show biz producers if they took a chance.

Greeks are enthusiastic for the theatre. The Royal of Athens, under the management of Mr. Bastias, plays to capacity, however, seven evenings and three matinees weekly. Shakespeare is tops; last-century authors are popular, while moderns are seldom heard. Last season's most successful play was Oscar Wilde's 'Lady Windermere's Fan,' which played 70 performances during an October to May season. Greek classics are also presented, sometimes in open-air arena ruins several thousand years old.

Last summer's hit was 'Electra' (not Eugene O'Neill's but Sophocles') alternately presented in the ancient theatres of Athens and Epidaurus. Interpreter of classical Greek heroines is Katina Paxinou. Chief honors also go to stage director Ron-dris and Klonis, designer and tunes and scenery. Guest performances of foreign companies are frequent.

Femme Star-Manager

Theatre Kotopouli, built last year, is Athens' most up-to-date stage. Mme. Kotopouli is manager and star. Repertoire consists mainly plays of modern Greeks—Xenopoulos, Horn, Bogris, Synadinos. Mme. Kotopouli, who has toured the United States, includes several of the Bard's works in her repertoire every year to good boxoffice returns. Current hit, however, is Somerset Maugham's 'Lady Betty.'

Mme. Andreadou is another femme manager who plays in her own theatre, only a summer one, seating 800. She's opening another for the winter. Her standby is also Shakespeare, but she also favors American authors.

Tickets are 40 drachmas top (36c). Revue theatres run to 50, while the smartest night clubs among them Maxim's, Ambassadeur and Argentinia, are more expensive. Most of the latter have summer editions in Phalaron on the seaside summer residential section.

Athens' typical night places, frequented exclusively by natives, are the numerous taverns with small orchestras, excellent, inexpensive wine and national dishes. In many of these spots can be found the smartest socialites.

Film-Making Ideal

Why doesn't anybody come and make films here? Climate and light conditions are Californian, scenery ditto, distances small, and labor cheap. Some stars of the future must be lurking among the handsome girls one sees in the streets. No one has ever tried serious production locally. The few existing Greek pictures were made in an Egyptian studio.

Yet the cinema is immensely popular. Athens alone has 31 picture theatres, eight of these first-run deluxers. Americans lead on the import list. Next come French, then German pictures. Last year 'Emile Zola' (WB) had the longest run; 'Prince and Pauper' (WB), 'Hurricane' (UA), 'Maytime' (MG), 'Camille' (MG), 'Abus de Confiance', 'Port Arthur' and 'Ufa's Zauber der Boheme' were big successes.

Metro and Warners have local branches in Athens; RKO, Paramount, 20th Century-Fox distribute through the Skouras company, which also owns several theatres here. Import charge on a foreign feature amounts to about \$100.

Metro's London Fete

London, Nov. 8.

Tenth anniversary of opening of its Empire theatre was celebrated here yesterday (Monday) with a luncheon at Dorchester House by Metro.

Many prominent local personages spoke at feedback, also several members of the local press.

'Gay Nineties' Revue Stated for London Cafe

London, Nov. 1.

The vogue of Victorian and Edwardian fashions in women's hair-dressing, millinery and gowns is to extend itself to the West End.

Arrangements have begun for the production at Christmas in the Grosvenor House of 'The Gay Nineties,' a supper-revue, featuring songs, music and fashions popular towards the end of the last century.

London Casino

Taxed Into Jam; May Reorganize

London, Nov. 8.

A matter of around \$75,000, which the British government claims London Casino owes it, may cause this cabaret-theatre to undergo some serious financial reorganization. Jam dated back a year when the British amusement tax authorities wanted to classify the London Casino as a theatre and collect a staggering theatre tax, while the cabaret-revue house argued that it classified as a niter and, at the most, only a portion of each check might be construed as being subject to any sort of a theatre license tax.

After considerable wrangling, it was decided that the cabaret-theatre need not be assessed upon its entire gross, but that a portion of each check, however, was taxable. Meantime the Casino management had failed to collect any supplementary taxes from its patrons for fear of antagonizing them, and so after the final ruling the venture finds itself in a financial spot.

Marius Poulsen, Major Bell, Edward Stone and others run the Casino with Clifford C. Fischer producing the show. Fischer also has a place of the Casino besides his other arrangements as impresario.

Current London Plays

(With Dates When Opened)

- 'French Without Tears,' Criterion—Nov. 6, '38.
- 'Robert's Wife,' Globe—Nov. 23, '37.
- 'Me and My Girl,' Victoria Palace—Dec. 18, '37.
- 'Nine Sharp,' Little—Jan. 28, '38.
- 'Wild Oats,' Princess—April 13, '38.
- 'Banana Ridge,' Strand—April 27, '38.
- 'Glorious Morning,' Whitehall—May 28, '38.
- 'Spring Meeting,' Ambassador—May 31, '38.
- 'Lo's Wife,' Savoy—June 10.
- 'She Too Was Young,' New—Aug. 18.
- 'The Fleet's Lit Up,' Hippodrome—Aug. 17.
- 'George and Margaret,' Piccadilly—Aug. 30.
- 'Thou Shalt Not,' Playhouse—Aug. 31.
- 'Running Riot,' Gaiety—Aug. 31.
- 'Flashing Stream,' Lyric—Sept. 1.
- 'Room for Two,' Comedy—Sept. 6.
- 'Dear Octopus,' Queens—Sept. 14.
- 'The Corn Is Green,' Duchess—Sept. 20.
- 'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.
- 'Elephant in Arcady,' Kingsway—Oct. 5.
- 'The White Guard,' Phoenix—Oct. 6.
- 'Bobby Get Your Gun,' Adelphi—Oct. 7.
- 'Behind Blinds,' Winter Garden—Oct. 10.
- 'When We Are Married,' St. Martin's—Oct. 11.
- 'A Party for Christmas,' Haymarket—Oct. 11.
- 'Private History,' Gate—Oct. 12.
- 'Quiet Wedding,' Wynnham's—Oct. 14.
- 'They Fly by Twilight,' Aldwych—Oct. 27.
- 'Elizabeth of Austri,' Garrick—Nov. 3.

COIN FILM PACT IN OPERATION

Nearly 200 More Features
for Jap Theatres by End
of '38—\$400,000 Belong-
ing to 8 Majors Placed in
Yokohama Bank at San
Francisco; with \$800,000
Total by Dec. 31

INDUSTRY'S ACE DEAL

Foreign department representatives of American film companies are watching to see if Japan goes through with the remainder of its plan to admit approximately 240 features of eight majors during the last three months of this year. About 40 features were admitted to Japan from these eight companies during October, representing \$5,000 worth of prints. Now \$25,000 worth of films are due for admission into that country during November and December, or around 200 features.

Approval for admitting 240 American features before the end of the year is part of the plan fixed between U. S. companies and the Japanese government whereby the ban against American film imports would be lifted and a three-year plan to melt frozen American film coin in Japan set up.

Admission of U. S. pictures into Japan is based on the worth of prints, the \$30,000 sum agreed on being based on 1 1/2 per foot of film, whose average feature of about eight reels would cost \$120. American representatives estimate that the \$30,000 total would at least mean 240 pictures admitted to Japan by the end of this year.

The eight American major companies already have worked out an arrangement whereby the 240 pictures will be apportioned according to the number they shipped into Japan the previous year before the ban was received at foreign imports. Other portion of the agreement covers money belonging to American distributors heretofore held up in Japan. Japan agreed to permit about 3,000,000 yen (approximately \$800,000) to leave that country by the end of this year and be deposited in the Yokohama Specie bank's branch institution in San Francisco. It would be held in the branch bank for three years, at the end of which, distribution will be made according to proportion of money each company has frozen.

Approximately \$400,000 already has been received at the Frisco bank thus far with the remainder to be deposited after the close of this year.

Foreign department officials familiar with the situation in Japan regard this deposit plan as unusually favorable for the American picture industry, particularly in view of credit propositions offered to Japan by American industrial firms. One official said that it reflects a fairly sympathetic Japanese attitude towards the film industry.

WANDA ROTH CLICKS IN LONDON'S 'ELISABETH'

London, Nov. 8.
'Elizabeth of Austria,' epic-historical drama, opened at the Garrick Thursday (3). Play in three acts and 10 scenes was written by Katriona Sprigge in collaboration with her sister-in-law, Mrs. Elizabeth Sprigge, and was produced by Campbell Gullan.

Well-received and a triumph for Wanda Rosta, Viennese actress. 'Never Goodbye,' Repertory Players production, given for a single performance, opened at the Savoy, Sunday (6). Clever comedy was well received and looks certain for regular West End production. Also looks like excellent film material.

U. S. Companies to Quit Italy By Jan. 1 Unless Rome Changes Its Totalitarian Film Ideas

WB Out of Italy

Warner Bros. has withdrawn completely from doing business in Italy. Suitable notice has been given all company employees. No Warner pictures are being booked in Italian theatres and everything is being liquidated.

Sam E. Morris, Warner foreign head who arrived from Europe last week, is convinced the outlook for resumption of business is hopeless under present difficulties, and offices of the company will be completely shut by end of the year.

Morris states the Warners' production in England this coming year looks very promising, with some \$3,500,000 to be spent on the scheduled 16 pictures.

Dissatisfaction continues to grow in the industry over the government's proposed film monopoly in Italy. While continuing hopeful of bringing about a realignment of the nationalization of distribution decrees through negotiations by representatives in Europe, representatives of foreign departments in New York maintain stoutly that the decree will be altered or they will quit Italy for good at the end of this year.

Nearly all major companies have notified their employees of their intention of shuttering Italian exchanges if the present government act in Italy is not changed. Deadline is Dec. 31, because the nationalization decree becomes effective the first of 1939.

One American company spokesman estimated that if the Italian government film body is permitted to pay a flat sum for a group of pictures, the total amount would not exceed \$1,000,000 in a year's time. Larger major companies each collect that much or more in film rentals annually from Italy.

Reports from Italy indicate that the government believes it can turn out 100 productions on Italian soil each year. More conservative estimates place the figure at 50, since more than that number ever have been produced in a year's time. If Italian producers could grind out 100 features in 12 months, there would be need for an additional 200 feature films for foreign sources, principally the U. S.

Idea of permitting a government film body to paw over American product and select only the choice ones, or those calculated to do the most good for the Italian people and film producers, also is resented by American picture firms. Another angle is that American companies fear that if a nationalistic move is okayed in Italy, the idea may spread to other fascist countries.

Biggest hope today in this situation, as viewed by companies here, is that exhibitors in Italy will protest so vigorously about losing American product, there would be no recourse left but that of modifying terms of the distribution act.

W. J. HUTCHINSON DUE BACK IN U. S. DEC. 22

W. J. Hutchinson, 20th-Fox foreign sales manager, is due back in New York Dec. 22 from his present tour of South Africa where he went to inspect the corporation's new distribution setup. He leaves Durban, South Africa, on Dec. 4 and will make the trip to France by plane in four days, arriving at Marseilles Dec. 8.

Hutchinson will be met by Ben Higgins, European manager, for conferences on the European and Italian situation. There is a possibility that he will go to London.

There also is a chance that Arthur Kelly, United Artists foreign distribution head, now abroad, will huddle with Hutchinson in France regarding a deal whereby physical distribution of UA pix in South Africa would be handled by 20th-Fox. Hutchinson is set to sail for the U. S. on Dec. 17.

Capetown, Oct. 21.

Walter J. Hutchinson, 20th-Fox foreign manager, arrived here Oct. 16 to look over distribution setup which is being handled by Otto W. Bolle, company's general manager in South Africa.

Settled that the company will build a cinema in Johannesburg and possibly in Capetown. Bolle and Hutchinson left for Johannesburg, Oct. 20. Any theatre operations would be bucking African Consolidated Theatres and Metro in this area.

New South Wales Seeks Quota As Prod. Builder

Sydney, Oct. 17.

All signs here point to Premier Stevens going through with a new Quota law for New South Wales, which is designed to curb U. S. distributors. Premier is reported peeved because distributors would not live up to the Quota act now in effect, which was a drastic modification of the first statute.

There's a chance the government may frame a law whereby a percentage of gross earnings by American pictures would go towards helping local producers. There also is renewed demand by British producers that they secure a better market for their films in this territory.

However, American representatives can see no logic in making pictures in Australia as long as present restrictions on virile stories remain in effect. They recall what happened to the most ambitious feature production effort here, with a capable producer at the helm, an American director and some players from the U. S. It was produced just before the advent of talkers and cost \$500,000. Because it mentioned brutality to convicts in Australia the government refused to let it be shown outside of Aussie territory on the grounds that it reflected on prison treatment.

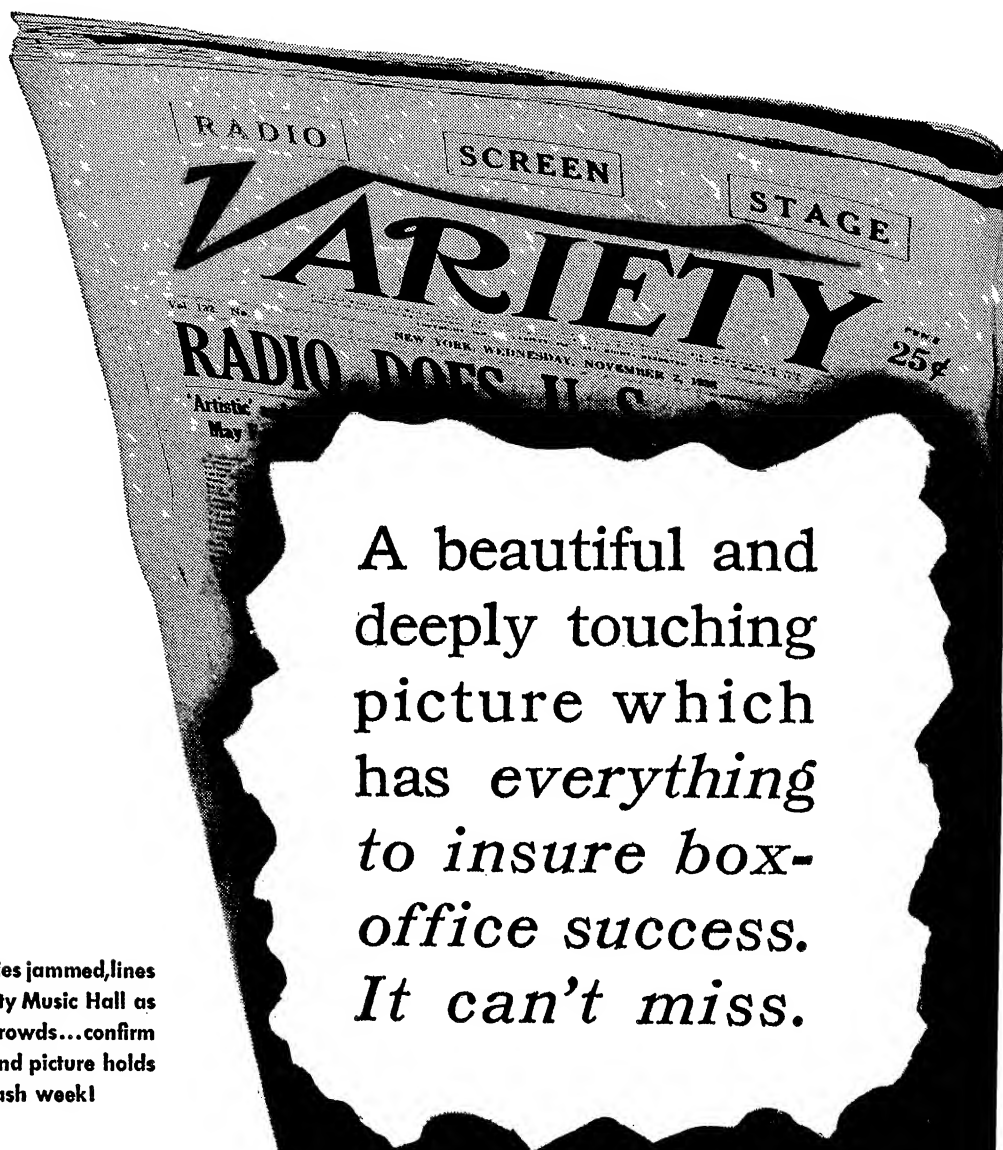
Same difficulty has cropped up so often that it's entirely familiar to American interests. There are any number of vivid stories, with Australian backgrounds which could be made just the same as Hollywood producers turn out films of the U. S. pioneer days. But the big difficulty is that the pictures could not be exported after made because of the squeamish attitude of the government.

Recent example of this attitude is the campaign of politicians to halt the exportation of a local newsreel, 'Australia Today.' Subject was made along the lines of 'March of Time,' with F. E. Baume, editor of the Sunday Sun, doing the narration.

Nathan Back to S. A.

John B. Nathan, Paramount's manager in Argentina, sailed last Saturday (5) for his home post.

He has been in New York for about seven weeks on a combined biz and vacation trip.



A beautiful and
deeply touching
picture which
has *everything*
to insure box-
office success.
It can't miss.

P. S.

House packed, lobbies jammed, lines
waiting at Radio City Music Hall as
crowds...crowds...crowds...confirm
critics' predictions and picture holds
over for second smash week!

JANET GAYNOR
DOUGLAS FAIRBANKS, JR.
PAULETTE GODDARD

SELZNICK INTERNATIONAL presents

THE YOUNG

The New York Times

LATE CITY EDITION

9-POWER PACT HELD
OBSOLETE BY JAPAN;
U. S. BACKS VALIDITY

SHAKE-UP IN NAVY
HITS SHARP CRITICS
OF NEW WARSHIPS

LEHMAN ASKS PRICES
TO ASSURE PROFITS
LET CAPITAL LIVE

DEWEY DECLARES GOVERNOR FOUGHT
DRIVE FOR CLEAN GOVERNMENT HERE;
LEHMAN CALLS CRIME ISSUE HYPOCRISY

One of the best sentimental comedies in years. The story has heart, and irony, and gentle humor, a tightly knit script, brilliant direction and excellent casting.

IN HEART

Released thru UNITED ARTISTS

with ROLAND YOUNG · BILLIE BURKE
Produced by DAVID O. SELZNICK

Little Adventurers (WITH SONG)

Hollywood, Nov. 6.
Columbia production and release. Features Edith Fellows, Richard Fiske, Jacques Wells. Directed by D. Ross Lederman. Screenplay by Michael F. Powell and Paul Jarico. Assistant director, Wilbur McLaughlin; camera, Henry Foulsham; editor, Harry C. Bradley. Released at Pantages Nov. 5, '38. Running time, 60 mins.

A most ordinary melodrama abounding with inconceivable situations, 'Little Adventurers' will suffice in lower-dual brackets where audiences are not too particular of story. An inconspicuous layout that might have gotten by 20 years ago, but tangle of trite meller sequences is hard to take these days.

Situation of young girl riding her horse, Mabel Normand did it better in 'Mickey' during the war days. There's the horse rescue from a burning barn a few days before the handkerchiefs, but this is topped off by having the equine running a high fever until post time. Then the crooked gambler who tries to fix the jockey appears, which pulls Edith Fellows aboard for a winning ride. Following death of her parents in a valuing slide-for life, Edith Fellows takes her performing horse and trailer entourage to relatives in California. Cousin, Richard Fiske, racing enthusiast, joins the party. Fiske moves into the trailer with Edith and wrangler Cliff Edwards. Girl trains horse for racing, and against odds, rides him to win the big race.

Script strains and strains continually, with little good apparent in the unfolding. Direction by D. Ross Lederman is ordinary, while photography could be improved to bring it up to standard.

Edith Fellows tries hard, but cannot surmount obstacles of the yarn. Richard Fiske is passable in his role, while Jacqueline Wells is in for romantic interest with Fiske. Cliff Edwards does best of all, and tunes up his uke for one minor song in the stable.

ARIZONA WILDCAT

Hollywood, Nov. 4.
20th-Fox release. Features Leo Carrillo, Richard Fiske, Henry Wilcoxon. Directed by Herbert Leeds. Screenplay by Harry Chas. Brown and original idea by Frances Hyland and Alvin Karpis. Camera, Henry Foulsham. Released at Pantages Nov. 4, '38. Running time, 60 mins.

Leo Carrillo, former gang bandit now driving the stagecoach. Carrillo has a perfect role for his capabilities, and smacks it for everything there is in it. Pauline Moore and William Henry provide the romantic interest, and Carrillo and Henry Wilcoxon is okay as the double-dealing sheriff.

Picture has been given brisk tempo by Herbert Leeds, who turns in standard job of direction. Script has numerous errors, but Carrillo is thrown to Carrillo, who delivers effectively.

GUN PACKER

Monogram release of Scott R. Dunlap production. Features Leo Carrillo, Stanley and Rusty. Directed by Wallace Fox. Original and screenplay, Robert Emmett. Screenplay by Robert Emmett. Camera, Carl Longenecker. At Central, N. Y., Nov. 8, '38, dual. Running time, 60 mins.

Picture has been given brisk tempo by Herbert Leeds, who turns in standard job of direction. Script has numerous errors, but Carrillo is thrown to Carrillo, who delivers effectively.

This western conforms 100% to the oldtime idea of what a rousing mustang should be. Chalk this one up to Robert Emmett's straightfor-

ward cinema writing and to Jack Randall's handling of the principal role.

Randall's followers know he's the antithesis of the effete type of pretty boy singing-cowboy hero, and while Randall may not have the personal magnetism of some of the other out-ops stars, he more than makes up for it with a virile personality, as well as with some hot riding, shooting and battling.

Tale of the gang who robbed stage-coaches of their gold bullion shipments and salted a mine with the precious metal, is replete with action. It possesses a good cast in which the colored Raymond Turner stands out, has Rusty the Wonder Horse with his trained tricks, a stunning blonde in Louise Stanley, superlative scenic backgrounds and a very satisfactory conclusion in the law-and-order finale. Events transpire in a logical continuity sustaining interest throughout.

ALLY IN TROUBLE

20th-Fox release of John Stone production. Features Jane Withers, Jean Rogers, Arthur Treacher, Robert Kellard, Eddie Collins, Andrew Tombs, Nana Bryant. Screenplay by Joseph S. Lasker and adaptation, Karen De Wolf and Robert Chapin. Camera, Lucien Andriot. At Pantages, N. Y., dual, week No. 2, '38. Running time, 60 mins.

Chubby-faced Jane Withers in a 'B' production of no more than passing importance which may prove all right in the lower bracket on dual bills. Picture looks like it was brought in a low figure by John Stone, its producer.

The story is built around the supposedly sincere efforts of Miss Withers to do a good turn at every opportunity, only to get herself and her horse kidnapped. Events transpire in a logical continuity sustaining interest throughout.

Some comedy affords welcome relief, cast including Arthur Treacher, Eddie Collins and group of others cast as kidnappers who are bilked successfully in staging a ransom job. The love interest comes Jean Rogers and Robert Kellard, rather whom was developed to the point where a future of note can be predicted. Both screen nicely, however, and may come along with future matinees and shorts.

Action includes a yachting trip, the beaching of the craft and the rescue of the cast. The story is an isolated island where kidnappers are at work. Joseph Santley directed in a routine manner.

KING OF THE SIERRAS

Grand National release of George A. Hillman production. Stars Rex and Sheik (horse). Directed by Samuel Diegel. Camera, Jack Greenhalch, Jr. and Tom Galligan; editor, Carl Peterson. At Colonial, Lincoln, dual. Running time, 60 mins.

Told awkwardly, and cardinally sinning by being a different western, 'King of the Sierras' will only measure up moderately at the 10-20 box. Camera work and the action as far as the horses are concerned is excellent, but the story drags for lack of humanity. It's probably one of the few genuine horse operas, however, the complete concern of the story being the battle of a white stallion to protect his horse from a black stallion who has the urge to do a bit of poaching.

Story allows for no women, no runaway stagecoaches, no hip-shooting gunplay and no other than old man, Hobart Bosworth, tell the story of the stallions to Harry Hays, Jr., a 4-year-old punk. When the old man is talking the camera frames the actual action on the part of the horses.

Equine performers are good, with Rex, as the mane-shaking Casanova of the mesa, having the colorful tale. Sheik, the family man and protector, is eclipsed, but at the same time more substantial. In short, it's a better job of type casting than is given many times with other legged animals. Even the mare, who casts sheep's eyes and appears to enjoy the herd-talboored shashys into the sage, is film-recorded beautifully.

Rhythm of the Saddle (WITH SONGS)

Republic release of Harry Grey production. Features Gene Autry, Smiley Burnette, Pert Kelton. Directed by Harry Grey. Screenplay by Harry Grey. Camera, Walter de Palma. Released at Pantages Nov. 5, '38. Running time, 63 mins.

The usual ingredients of a western are here—action, fast riding, singing cowboys, and a dastardly Jack Dalton. That the producers have done with the formula, however, is something else again. Fumbling badly, it's one horse opera that doesn't tell. Story has the beautiful but helpless miss who is kidnapped, but managing a Frontier Week Rodeo. Despite fact that rodeo, on its 25th annual appearance, draws more than 100,000 spectators, the story, Peggy Moran will not get her contract renewed unless she does better. Fighting bitterly for six reels, her foreman, Gene Autry, battles through the villainy, burning barns, fixed rodeo events, a stage-coach race and a murder rap to come out on top.

Chin's fault with the script is poor motivation and follow-through. For no apparent reason other than he probably needed a thrilling climax, a stage-coach race is held. For no reason, the story is cut short for next season. On more than one occasion he has two or three desperados chasing Autry on horseback; several flashers later, out of the nowhere, three others, then six more, join the chase. Credibility is stretched to the straining point in episode after episode.

Autry is his usual self, placid, unruffled, with a heart full of sentimental songs. He sings four numbers and well, a trifle more rough-edged, but would not hurt aught on the boxoffice. Comedy roles are carried by Smiley Burnette and Pert Kelton. Former has a lot to do and does it, but the latter, who is wasted. Moran gal is a looker but a typo historically. Lefroy Mason is a fine heavy and runs a good show as the top villain. Backgrounds and camera work are first-rate in every way. Western fans won't mind its deficiencies, if popularity of westerns still runs no longer, but it would not hurt aught if they turn out more like this.

CAFE DE PARIS (FRENCH-MADE)

Film-maker release of Regina production. Features Jules Berry, Vera Cornejo, Pierre Brasseur, Jeanne Batten. Screenplay by Pierre Brasseur. Camera, Christian Matras. Released at Pantages Nov. 5, '38. Running time, 85 mins.

'Cafe de Paris' possesses few, if any, of the attributes held by the London 'Cafe' of the same name. It's just an ordinary murder mystery placed in a world-known setting with a few new twists.

While Yves Mirande, in writing and directing the film, shows he knows his French cafe characters, his ingredients are badly mixed. Film will only do well in France. Despite good performances, it possesses too many unimportant diversions, and above all gives away the murderer too obviously.

With a host of names that ordinarily are a b.o. her film deals with the slaying of a newspaper magnate, known as a blackmailer, in the cafe. Of the five suspects—the magnate's wife, her lover, a friend, a rival, and a threatened with exposure, creditor and a spurned playboy—who is after the magnate's daughter—it's rather obvious none did it. The victim, who only fair as the magnate's wife, who confesses falsely to save her lover, Jules Berry, who in turn confesses to save her. He overplays, as usual, Pierre Brasseur, as the murderer, who is a friend of the magnate, Jean Worms, as prefect of police, is convincing, while Julien Carette, as the journalist, is not so convincing. Photography is good, while dialog falters. Scissoring would help, but not enough to bring this one into the ordinary class.

RAW TIMBER

Prescient Pictures release of E. B. Derr production. Stars Tom Keene. Screenplay by Ray Taylor. Camera, Harry C. Bradley. Released at Pantages Nov. 5, '38. Running time, 60 mins.

Paced at a slow trot, this action timberland yarn misses by considerable margin, amounting to anything but projection machine fill-r. Tom Keene's series has been disappoint-

ing in most instances, using him as a clothes-horse to depict a well-dressed uniform wearer. He has soldiered under several flags, but this time is a ranger in the forest service assigned the job of seeing that lumber company guards don't overcut. Keene's only help comes from Robert Fiske, who heads the overcutters, and Budd Buster, a con-ceptor wearing mountains in for a purpose comedy plot. The terms section is very weak, Peggy Keys being the holder of a half interest in the lumber production plant. Keene impresses upon the most of the war wading neck deep in bad story and an equally inept screen play. 'Raw Timber' will needs plenty of help on the multiples.

Adrienne Lecouvreur (FRENCH-MADE)

Alliance Cinematograph release of Georges Lampin-USA production. Stars Yvonne Printemps, Pierre Brasseur, Jeanne Batten. Screenplay by Pierre Brasseur. Camera, F. L. Wagner. At the Marignan, Paris. Running time, 110 mins.

Adrienne Lecouvreur's goes back to the beginning of the 18th century to recount a tragedy famous in its time. In so doing, it marks up another topnotcher for French production. It is a success, but not in this country and is a cinch for abroad. Marcel Herberier has dramatically moulded the love story of the city's once-famous actress, the glamour of the stage and the astors with his jealousies, prompted by the desire for power and favor. The love of an aristocrat for the favorite, his dejection, his suicide, the death of Courlaude with the backing of his mistress' husband, the jealousy of the mistress for the favorite, causing his death and the latter's death, all carried out with spontaneity and feeling.

Miss Printemps is the favorite, who discovers Pierre Brasseur, as Maurice de Saxe, son of the king of Poland, sitting in the seat she has always reserved for herself and kept vacant in the theatre for sentimental reasons. He is the Duke of Bouillon (Andre Lefaur), where he was sitting with his mistress, the Duchess (Julie Astor). She is the love affair. Before her return Miss Printemps receives a bouquet of roses, presumably from Freney. In inhaling their fragrance she kills the blooming. Freney is poisoned, sent by Miss Astor. Freney arrives in time for her to die in his arms.

It's a beautiful love story, excellently told, and despite its length—some trimming would help—movement is geared high enough to hold interest throughout. Both Freney and the Duke of Bouillon play their roles. Lefaur, as the aged duke, clicks but Miss Astor falters. Pierre Brasseur, as Miss Printemps' efficient aide, and Jeanne Batten, as Freney's Dialog and photography are good.

13 Kislaya Mosolyog Az Egre

('13 Girls Smile at the Sky')
(HUNGARIAN-MADE)
(WITH SONGS)

Salatin's release of Hajdu production. Directed by Akos Rathonyi. Screenplay by Joseph Baxay. Released at Pantages Nov. 5, '38. Running time, 60 mins.

Publicity stunt for this picture is calling it an 'optimistic' film. Optimism consists of featuring 13 sweet girl graduates, who form a club with the slogan 'A Good Deed Every Week,' the boy scouts one a day better to do much for the world. Ida Turay is the 13th, who picks up a down-and-out tramp on the roadside and establishes him in the ice cream pushcart business, not suffering from the usual 'I'm a millionaire' line. He is thrown out of his car, knocked senseless, robbed and given an old suit by bandits before she found him. But he doesn't like to tell her so. He is thrown out of his car, knocked senseless, robbed and given an old suit by bandits before she found him. But he doesn't like to tell her so. He is thrown out of his car, knocked senseless, robbed and given an old suit by bandits before she found him. But he doesn't like to tell her so.

SINGING BLACKSMITH (AMERICAN-MADE) (IN YIDDISH)

New Star Film production. Stars Mollie Osher. Directed by Edgar G. Unger. Screenplay, David Ben-Zvi Barotoff. Camera, Jacob Goldstein. Released at Pantages Nov. 5, '38. Running time, 110 mins.

Pinkie first launched 'The Singing Blacksmith' at the Bowery's old Thalia theatre in 1909, and it served to give David Kessler, the late great Yiddish tragedian, one of his outstanding roles. There have been many 'Yankels' since throughout the world, and whether Mollie Osher approaches the Kesslers, the Ben-Amis and others who have had the same role as Kessler. But surely there has been no voice that has equaled the booming, powerful baritone of Osher as the singing blacksmith.

Here is a picture that can't hope to approach the world grosses of 'The Dybbuk,' but, nevertheless, should serve as a powerful universal boxoffice magnet for Yiddish audiences. There may be flaws in direction, photography and acting, but there can be no denying that Osher's voice by far dwarfs those of the others.

Pinkie's story of the ebullient, swaggering, singing blacksmith, whose theme of life was to eat, love and be merry, is given faithful interpretation by Mollie Osher. There are times when he becomes the concertist in his strut and posturing. Then, too, there is Miriam Rieple, prettily complacent and doubtful in her role as Kessler's daughter. In his department, Florence Weiss is the other woman and she measures up to the role with proper restraint. The picture is a success.

Barotoff is a vigorous blacksmith, who plays an important role in influencing the pubescent Yankel; Goldstein is a good Yiddish actor, unable to hold his wife (Miss Weiss), a jealous inamorata of Yankel, and Miss Appel, a matchmaker.

PRISONS OF FEMMES (Women's Prisons) (FRENCH-MADE)

Paris Cinema Location release. Stars Renee Saint-Cyr, Viviane Romance, Georges Flamand. Screenplay by Renee Saint-Cyr. Camera, Roger Richebe. Released at Pantages Nov. 5, '38. Running time, 110 mins.

Adapted from Francis Carco's popular work of the same title, 'Prisons de Femmes,' as a film, weaves no unknown story of prison reform, but rather a story of life on the lives of women who have undergone its rigors. But it does forcefully demonstrate the faults of the ill-conceived ideas humanity reverts to when it comes to prison wrongdoers. It makes good tragedy for the most part, for French consumption, but several scenes would have to be abolished, or remade, before they could be shown to the American censor. Nothing is left to the imagination in the underworld shots, and while realistic enough, unwholesome in some aspects.

Unexpensive, as are most of the story re-enactings of life, prison scenes come close to the real thing, although two principals, Renee Saint-Cyr and Viviane Romance, don't look much like prisoners in their film makeup. Basic yarn is well-worn. Two young girls are imprisoned, one because she deserves it, the other because she is a victim. The first is a 'madame,' who forwards money for such cases and places girls as so-called (Continued on page 19)



the STORM

Wits!

—IN A FURY OF PRIMITIVE DRAMA!

"... Raw meat ... plenty of rough and tumble
brawls ..."
N. Y. WORLD TELEGRAM

"Practically all action ..."
N. Y. SUN

"Vigorously handled!"
N. Y. JOURNAL & AMERICAN

"The devils that rage ... in a monster storm ...
are now let loose!"
N. Y. POST

"THE STORM"

with Charles Barton Preston
BICKFORD • MacLANE • FOSTER

Tom BROWN • Nan GREY

Andy Devine • Frank Jenks • Samuel S. Hinds

Screenplay by Theodore Reeves, Daniel Moore and Hugh King
Original story by Daniel Moore and Hugh King

Directed by Harold Young • Produced by Ken Goldsmith

A NEW UNIVERSAL PICTURE

"Traveler" will be the 520th picture to play the house since its opening Nov. 19, 1928.

AMERICA INVADED!

Paramount's "MEN WITH WINGS"

invade key cities. Smash box office records. Crowds pack theatres to register pure delight at thrilling all-technicolor cavalcade of aviation, at heart stirring emotional drama . . .

And here's the proof . . .

Paramount Theatre, Rochester
"MEN WITH WINGS" . . . 30% above average business.

Strand Theatre, Scranton
"MEN WITH WINGS" turns in 112% gross.

Paramount Theatre, St. Paul
"MEN WITH WINGS" reaches 135% and is still climbing.

U. S. Theatre, Paterson
"MEN WITH WINGS" climbs 41% above average business.

Lyceum Theatre, Duluth
"MEN WITH WINGS" climbs 48% above normal take.

Capitol Theatre, Little Rock
"MEN WITH WINGS" tops normal take by 50%.

Criterion Theatre, Oklahoma City
"MEN WITH WINGS" climbs 22% above average gross.

Majestic Theatre, San Antonio
"MEN WITH WINGS" turns in 124% gross.

Fox Theatre, Atlanta
"MEN WITH WINGS" zooms to 143%.

State Theatre, Sioux Falls
"MEN WITH WINGS" reaches 125% gross.

Metropolitan Theatre, Boston
"MEN WITH WINGS" climbs to 38% above average week's take.

Michigan Theatre, Detroit
"MEN WITH WINGS" smashes to 47% above average business.

Circle Theatre, Indianapolis
"MEN WITH WINGS" smashing "Wells Fargo" and "Buccaneer" records.

Rialto Theatre, Louisville
"MEN WITH WINGS" climbing above "Buccaneer" and "Artists & Models" record grosses.

Majestic Theatre, Dallas
"MEN WITH WINGS" turns in 118% gross.

Malco Theatre, Memphis
"MEN WITH WINGS" soars to 145%.

Centre Theatre, Salt Lake City
"MEN WITH WINGS" soars to 135%.

Paramount Theatre, Los Angeles
"MEN WITH WINGS" hits 130%.



Midwest 'Locations' for Hollywood, Local Bonanzas; Also Good B.O. Bally

and Rudolph Forster are in the supporting cast.

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ATTACK!**
World Invaded

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EDITION
PLANET**

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The
NEW UNIVERSAL
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"MARS ATTACKS the World"

IT'S READY
NOW!

with
LARRY "BUSTER" CRABBE
JEAN ROGERS • CHARLES MIDDLETON
FRANK SHANNON • BEATRICE ROBERTS
Original story and screen play by Ray Trampe,
Norman S. Hall, Wynneham Gittens
Based on Alex Raymond's newspaper feature
"Flash Gordon," owned and copyrighted by
King Features Syndicate, January 7, 1934.

Inside Stuff—Pictures

At a big banquet recently in an eastern city, which drew hundreds of showmen from all over the country, sales exec for one of the big producing companies burned plenty when he noticed that, among statuettes of different studios, only his was unrepresented. Understood it was an intentional slight due to friction between biggies in charge of banquet and the company. Exec got even to some extent, however, when after thing was called to his attention, he cracked, 'I always told you Blank pix were in a class by themselves.'

A major New York film critic is unlikely to go through with a story he planned doing for a magazine, after being supplied with data by one of the large producing-distributing companies. Purpose of the article was to show that the pictures he had liked were the biggest money-makers. After a check with the film company in question, it was shown that the three biggest rental getters of that company during the past year had all been panned by the said critic, whereas numerous pictures he had praised were losers.

Irving Berlin convinced Darryl Zanuck that the 'Bowery Nightingale' idea for another film musical smacked too much of the 'Alexander's Ragtime Band' motif, hence Berlin has hit upon a new idea for 20th-Fox. 'Bowery' was to have had completely new songs, unlike the 'Alexander' cavalcade, but the title and plot idea harked back to yesteryear and Berlin wanted to sidestep it for the moment. After he finishes his current Broadway production plans, Berlin heads west per schedule next spring for another film.

Return of Charles Laughton to Hollywood, in spite of income taxes, is presaged by negotiations for the British players to appear in 'The Mad Monk of San Michel.' Picture is slated for Ameri in production by Max Mack for the English company, Ocean Films, Ltd. Laughton was ready to play in the picture when it was originally scheduled for production in London. Mack has announced the production of 'Two Orphans' in Hollywood and is figuring on several more American-made features for Ocean Films in a bid for the U. S. market.

American airliner, loaded with picture personalities and city officials, hops off from Hollywood Nov. 12 on a nation-wide cruise promoted by the Scripps-Howard newspapers to ballyhoo the Frisco fair and the picture campaign. Film plug is included as a payoff to the studios for the loan of eight players making the trip. Plane will visit 35 cities in eight days, with receptions at every airport. Chris Likkie, promotion manager of the San Francisco News, arranged the deals with the studios.

Cecil B. DeMille deliberately sidesteps an historical fact in his film, 'Union Pacific,' by picturing Chinese laborers without queues. Oriental laborers on the western end of the Union Pacific in its construction days wore pigtails, a symbol of Chinese slavery to the Manchus. Since then both the queues and the Manchus have been bobbed, and the modern Chinese do not care to be reminded of it. DeMille wants to retain his popularity in China, where his pictures usually rate heavy business.

A newspaper, the Atlanta Constitution, is in the business of transporting motion picture films in the three states of Georgia, Alabama and Tennessee. The paper began a few years back hauling a few films on its circulation routes as more or less of an accommodation measure. The business grew, however, and is now operated under the subsidiary name of Theatre Service Co. Branch service depots are operated in Birmingham, Chattanooga and other points.

'King of Alcatraz' will have the knife applied freely on the operation-at-sea sequence before it is released for showing in England. Paramount must cut out one reel to two reels covering these episodes because Great Britain taboos operation scenes in pictures. Similar operation scene in 'The Storm' is due to be lifted by Universal before the production is ready for distribution in England.

Douglas Corrigan is distinctly an ex-hero as far as the L. A. morning papers are concerned. When the wrong-way flyer arrived in town to start work for RKO, the studio supplied yarns and art, but the L. A. Times, Examiner and News heaved it in the waste basket. Attitude of the press dates back to the civic reception for the returning aviator, when he ordered a reporter out of Gov. Merriam's hotel suite.

South African humanitarians, having heard about Eddie Cantor's intended visit to Capetown to collect further funds for the refugees from mid-Europe, cabled VARIETY for details of his advent and arrival. Cantor can't make it now until his next vacation. Idea stemmed from his past summer's \$500,000 collection drive in Great Britain. He then mentioned going to Australia and South Africa on a similar mission.

Circuit Court of Appeals, N. Y., is scheduled this week to hear appeal of Mort Eisman, Clara Dellar and Robert Lewis Shayon, for reversal of the Federal court decision which tossed out their \$1,000,000 plagiarism suit against Sam Goldwyn, Eddie Cantor and United Artists Corp. Action was based on claim of plaintiffs that their play, 'Oh, Shah,' had been thieved by the defendants in the making of 'Roman Scandals.'

As in the case of 'I Married an Angel' which Dwight Deere Wiman produced with full knowledge of the fact that Metro owned the film rights, similarly the new 'Viva' Freedley musical, 'Leave It to Me,' is already owned by Metro. That's due to the fact that the original comedy, 'Clear All Wires,' by the Spewacks, was originally taken by M-G.

Little red school house on wheels is the latest stunt to carry out the California laws covering the education of film moppets. RKO has turned an auto trailer into a school room for kids on location in the San Bernardino mountains with the 'Pure in Mind' unit. It has all the equipment of a classroom, including a teacher.

Ruth Rogers, who has been headed the femme lead in Paramount's next Hopalong Cassidy, was a Spokane theatre cashier until a Par talent scout spotted her. Months before she had entered state-wide contest for girl to represent state in 'Frisco fair competition. She did not win. Joy Ellis who did, and went to Paris, was given screen test but not signed.

Educational Films Corp. of America, New York-headquartered, has merged Arcadia Pictures Corp. and Educational Pictures, Inc., a Delaware corporation, has merged Atlantic Pictures Corp. and Educational Productions, Inc. Papers in both mergers have been filed with the secretary of state at Albany by Attorney George Blake, 1501 Broadway, N. Y.

New spray to prevent fading of green foliage on studio sets is the work of A. C. Zoulis, boss of the Paramount nursery. Made with a resin base, it solves the problem of keeping shabby looking ferns under hot lights. Invention may revolutionize the studio nursery business.

Harry M. Warner gets a citation for patriotism at a mass meeting of the American Legion in Hollywood, Nov. 20. Showing of Warner's Technicolor patriotic shorts follow the meeting.

Mascot Pictures Corp., New York, has been dissolved. Papers filed with the secretary of state in Albany by Attorney Gordon W. Levey of Hollywood.

But No Dishes

Omaha, Nov. 8.
Latest offer at the Town is 'six features for two bits.' House belongs to Ralph D. Goldberg, local circuit owner, and has been a front-runner when it comes to the number of pictures offered. Regular bill is a tripler, with Saturday midnight show of two extra features, making a total of five, for 25c.

B&K Serves 90-Day Notice on J.L.&S. To Vacate State-Lake

Chicago, Nov. 8.
Balaban & Katz has served Jones, Linick & Schaefer with a 90-day notice to vacate the State-Lake. However, Aaron Jones and John Balaban, and possibly, J. L. & S. Associated, may remain jointly in the house, despite J. L. & S.'s takeover of the Oriental on an independent basis.

First picture set for the Oriental, opening Nov. 18, is 'Vacation from Love' (M-G).

ST. LOUIS IBEW SPENT \$3,730 DURING STRIKE

St. Louis, Nov. 8.
An audit of the books of Local No. 1, IBEW, revealed that the jurisdictional strike in the electric sign industry during 1937, cost the union \$3,730. Four checks designated 'sign industry' were issued to Arthur Schading, chief biz agent of the local, who was shot to death Sept. 19. The largest, for \$2,000, bore no notation to show the specific purpose for which the dough was used.

A check for \$1,000 was for 'court costs, attorney, etc.' it was noted, while a \$250 check for 'bonds,' apparently bail bonds for Schading and other members of the union arrested for quizzing about bombings during the strike. David A. Jones, prez of the local, said it was customary for the union to furnish bond and legal advice for members involved in labor troubles. A fourth check, for \$500, was not specifically designated, except under the general classification, 'sign industry.' The strike began in May, 1937, as a jurisdictional dispute between Schading's electrical workers and the AFL sign hangers who are affiliated with the Painters' District Council.

The strike was marked by bombing of sign firms and other violence and was settled last fall by compromise between the union. Printed copies of the audit will be mailed to each of the 1,300 members of Local No. 1.

With no progress being made by gendarmes, towards the solution of Schading's murder, the union last week tilted its reward for the arrest and conviction of the slayers to \$10,000 and also doubled the \$1,000 offer for information leading to the arrest of the murderers.

'LEGEND' A FACT

Hollywood, Nov. 8.
'Arizona Legend' got the gun yesterday (Monday) at RKO after a five-day delay due to George O'Brien's illness. Yarn is an original by Bernard McConville, screenplay by Oliver Drake.

MISTER AND MISSUS

Hollywood, Nov. 8.
Elaine Barrie gets a featured role with John Barrymore in 'Midnight' at Paramount. Picture co-stars Claude Rains and Doc Amecho. Shooting starts Friday (11) with Mitchell Leisen directing.

ARNOLD IN TOPPER

Hollywood, Nov. 8.
Edward Arnold gets one of the top roles in Paramount's 'The Man in Evening Clothes,' starring Jack Benny. Dorothy Lamour has the lead femme spot.

Goldstone Reopens Inn

Los Angeles, Nov. 8.
Alexandria hotel, home of film stars and exes in silent days, has reopened after complete remodeling by its new owner, Phil Goldstone, former producer. M. E. Morrison, formerly at the Town House, is the manager.

New Philly Exhib Org Favors Paid Prez and No National Affiliations

WB Adds More RCA

Philadelphia, Nov. 8.
Warner Bros., following 'battle' with Western Electric affiliates last year, is changing over all its sound equipment in houses here from WE to RCA. Latest switchovers completed are at the Logan, Strand, Northeastern, Felton, Columbia and Fairmount. Work on the others will continue until all have been changed. Midtown deluxers had their sound apparatus shifted during the early summer.

Gayety, Buffaio, Now Staigh Bingo House, In Jam with the Law

Buffalo, Nov. 4.
Gayety, reopened by former Mayor Frank Schwab as a straight bingo enterprise, has run afoul of the law. Schwab reopened the theatre for large-scale bingo operation Sunday and week nights, renaming the house Old Vienna and tying up with local charitable organizations.

Police Commissioner McClellan requested an opinion on the legality of the venture from the corporation counsel (Democratic) who, after a study of the situation, declined an opinion stating that the matter was squarely up to the District Attorney (Republican). Corporation Counsel stated that if the law is being violated the duties of prosecution for such violation is vested in the d.a. and not in the City Law Department.

No further action has been taken and the enterprise is still operating.

Ga. Blue Law Conviction

Atlanta, Nov. 8.
Operators of Avondale theatre, in Avondale Estates, Atlanta suburb, in adjoining DeKalb county, Saturday (5) were convicted of violating Georgia's Sunday blue law, which prohibits operation of places of amusement on Sabbath.

Superior Court Judge James C. Davis meted fines of \$100 and 12-month sentences against three operators of house, C. H. Rogers, M. R. Brewster and J. R. Haeger, but suspended both fines and sentences 'on future good behavior.' In passing sentence jurist pointed out that operation of Avondale on Sundays would be violation of good behavior.

Operators contended theatre was operated on Sundays by Scottish Rite Hospital for Crippled Children, only enough revenue being returned to the management to pay expenses. A DeKalb Superior court jury, however, found them guilty of violating the old Georgia blue law prohibiting amusements on Sunday.

Solicitor Roy C. Leathers, who represented state, said a number of similar cases were pending on court's calendar.

Scottish Rite Hosp operates all Atlanta theatres on Sundays under same plan used by Avondale, but it is not believed that conviction in DeKalb court will affect Sabbath operations in city's metropolitan area.

CHAS. R. ROGERS' PRODIGY

Los Angeles, Nov. 8.
Petition for court approval of a minor's contract with Kay Tanscott, 5, was filed here by Charles R. Rogers Talking Pictures Corp. Moppet's name will be changed to Marilyn Kay.

FIGHT FOR SUNSHINE

Hollywood, Nov. 8.
Metro's 'Stand Up and Fight' crew of 32 moved yesterday (7) from Chico to Santa Cruz, seeking sunshine. Outfit lost several days at Chico because of rain.

Op on the Springboard

Hal Roach's 'It's Spring Again' rolled yesterday (Monday) with Stepin Fetchit as a last-minute addition to the cast. Picture co-stars Oliver Hardy and Harry Langdon, with Edward Sutherland making his debut as a producer.

Philadelphia, Nov. 8.
New exhib organization established here a couple weeks ago, supposedly to become a unit of Allied as soon as a charter is granted, may not hitch up with the national group at all. This is discussion among the members of the executive committee, some men demanding that the body remain independent of all affiliations. Confab will be held Thursday to vote on whether or not to join Allied.

Charter from the national organization has already been applied for and will in all probability be granted shortly. Dan Milgram, who organized the unit here after attending the New York and New Jersey Allied convention in Atlantic City several weeks ago, is fighting for affiliation. He attended the Allied meeting with distributors in Chicago last week at which a secret deal was admittedly made to give members of the organization a better break on product.

Whether or not a tie-up is made, there is considerable talk of obtaining a paid president to head the new group. A man is sought who is conversant with industry detail and who does not own any theatres and has no personal axes to grind. Notorious for their laxity in paying dues and in not sticking together, whether the Philly indies will be able to pay and hold such a man is another question. Under consideration now is Sid Samuelson, ex-prez of New Jersey Allied. Samuelson is demanding \$7,500 a year, with a large part of it in cash in the bank.

Formation of the new unit results from general dissatisfaction with the present organization, United Motion Picture Theatre Owners, MPTOA, influenced. It, too, is actually unaffiliated, getting its contact only through the activity of Lewen Pizor, prez of the local body, in both groups.

100 Attend

About 100 exhibs at the organization confab. Far more than anticipated, unanimously applauded Samuelson when he declared, 'Philly has always been known as a sap territory, principally because of incompetent leadership and poor organization. This is where weekly payments on shorts began; this is where the racket of writing one thing in one country and promising something else began; this is where high percentage deals began. Every year Philly exhibitors hold a parade and raise a fuss and, when it is over, film rentals are higher than ever. There are more percentage deals in Philly now than anywhere in the U. S.'

The reason is evident. It is because exhibitors in Philadelphia never really organized into a solid organization that was independent of the affiliates and the producing companies. The present organization here has been financed by the film companies themselves, so how do you expect to get a break with an outfit like that?

Exhibs all knew whereof Samuelson spoke, for most of them admittedly have been paying no UMPTO dues for more than a year. Organization has been supported through the affiliated theatres, principally Warners and Comerford. Al, Harry A. Cole, prez of Texas Allied, also took a public stand at exhib leadership. 'Whenever we were fighting for the independents,' he said, 'representatives of your organization could be found battling on the other side. We were trying to do a job for you and for that we were called reds and bolsheviks.'

BRANDT'S 89TH

Times Square is to have another film theatre, a 882-seat one-story building on site formerly occupied by Drake's restaurant on 43rd street between Sixth and Broadway, with lobby and entrance on 42d street.

Theatre will be another link in the Brandt circuit of 38 theatres and is scheduled to open early in 1939. Ely Jacques Kahn is the architect, and builders are Freya, Inc.

BOUNDUP AT RIO

Hollywood, Nov. 8.
Columbia's 'Rio Grande Round Up,' starring Charles Starrett, rolled yesterday (Monday) with Sam Nelson directing. Iris Meredith has the femme lead.

**METRO-GOLDWYN-MAYER PICTURES
ARE YOUR BEST ENTERTAINMENT!**

CAPITOL
BROADWAY & 81st STREET
2nd Big West M-G-M presents
**WALLACE BEERY
MICKEY ROONEY**
in
STABLEMATES
Thurs.—"The CITADEL"

RADIO CITY MUSIC HALL
YOUNG DR. KILDARE
with **LEW AYRES**
LIONEL BARRYMORE
First in another heart-warming
M-G-M series!

Loew's STATE
M-G-M presents
**CLARK GABLE
MYRNA LOY**
in **TOO HOT TO
HANDLE**
A RUDY VALLEE
in person

CRITERION
M-G-M presents
VACATION FROM LOVE
with **BRUCE O'HEAR**, **PAROLEY BLISS**
Comedy

Loew's THEATRES
BOYS TOWN
at 34
Loew's THEATRES

**100 HOT 19
HITS!**
Also at
**Loew's
PARADISE
VALERIE
LOEWEN
ZIEGFELD**
72nd ST.
82nd ST.
125th ST.

**11th WEEK
ASTOR**
BWAY & 42nd ST.
POWER
SHEARER
11th WEEK
ASTOR
BWAY & 42nd ST.
ANTONETTE
M-G-M presents
MARIE
ANTONETTE
11th WEEK
ASTOR
BWAY & 42nd ST.
PYGMALION
Coming soon to
Loew's Bway

AS LEO TAKES OVER BROADWAY

(Above: Advertisement from N.Y. newspapers)

M-G-M SWEEPING AMERICA!



READ THIS!
(from Hollywood Reporter)

"IT'S fun to be on a winner!"

THAT'S what thousands of M-G-M showmen are gleefully shouting!

A FEW late-comers are losing no more time. They're climbing on the band-wagon because this M-G-M Parade of Hits is something never before witnessed in film history!



M-G-M set its ambitious and expensive production plans months ago.

AND now, week after week, your play-date is an "A"-date.



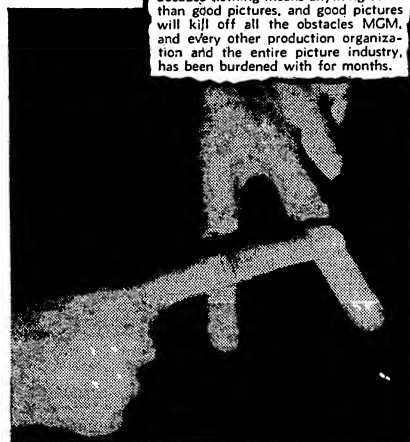
WHEN you examine that piece from Hollywood Reporter, remember that all those BIG pictures are coming to you WHILE AMERICA IS EXPERIENCING GROWING BOOM TIMES WITH A MONEY-SPENDING PUBLIC HUNGRY FOR ENTERTAINMENT!

(As we leap to press: Just previewed another honey of a hit "SPRING MADNESS". It's the "Flaming Youth" of 1938. Sure-fire box-office!)

KEEP stepping with Leo, gents!

HE has earned your enthusiastic co-operation in getting the maximum results with his great entertainments, proper booking, high-powered showmanship, extra playing time.

AND "The Friendly Company" thanks you for your co-operation.



M-G-M "L"ÄNDSLIDE!

TRADEVIEW
W. R. WILKINSON

IN THE recent production history of Metro-Goldwyn-Mayer, they never have been in such an advantageous spot as they are at present. MGM actually has 12 pictures finished and awaiting release—a schedule that takes them through every week, with a release, until the last day of this year. A condition new to MGM and one that certainly will place them in a position of doing even greater pictures than they have in the past, because of a breathing space, in their rush to meet release dates.

• Metro has waiting "Young Dr. Kildare," "Listen Darling," "Citadel," "The Hardys Out West," "The Shining Hour," "Flirtation with Fate," "Dramatic School," "Katharine the Last," "Christmas Carol" and "Sweethearts." And it has, in various forms of shooting, "New York Cinderella" with Tracy and Lamarr; "Honolulu" with Eleanor Powell, Bob Young and Burns and Allen; "Stand Up and Fight" with Bob Taylor and Wallie Beery; "Idiot's Delight," with Shearer and Gable; and "Ice Follies" with Crawford and Jimmie Stewart.

• Consequently, with the releases far ahead, with opportunities to see pictures much in advance of release to scheme better advertising, publicity and exploitation, AND MOST IMPORTANT, to give the producers a "breather," Metro should jump far ahead of itself in making the entertainment that won for it the reputation of "the Tiffany of production."

• Metro's big effort comes at a time when the industry needs it most, because nothing means anything other than good pictures, and good pictures will kill off all the obstacles MGM, and every other production organization and the entire picture industry, has been burdened with for months.

EXPLOITATION

By Epes W. Sargent

Beating Wings

St. Louis. Cuffo enlistment of 2,000 members of the air club of the Stix, Baer & Fuller D. G. Co., one of the city's largest dept. stores, is the first of 350 "Men With Wings," current at Fanchon & Marco's downtown deluxer, Ambassador, was the highlight of a swell exploitation campaign engineered by Manager Harry Crawford and Les Kaufman, p. a. and advertising director of F&M, interests here. The personnel of the dept. store air club was contacted with attractive direct mail "Men With Wings" literature and the scout masters also were the recipient of similar material in which the educational and entertainment angles of the pic were stressed. Crawford led 100 airplane models, several of which were gas powered, and stung these in various positions in the theatre lobby several days before the picture feature began its run. This stunt was an attention getter.

A week before the opening Crawford distributed 5,000 cards, printed in gold, from which the regular emblem worn by airmen could be removed and worn by air minded customers. The cards, printed at the expense of the Marquette Airlines, Inc., urged the holders to "Wear these wings in honor of those who fly riders of the sky who thrillingly present the whole thundering cavalcade of Aviation in 'Men With Wings'." Ticket offices of five airlines, the burg donated window space for exploitation displays and the Lambert-St. Louis Municipal Airport was another spot where the future was plugged, a 40x60 "Men With Wings" board augmenting other displays. The success of the campaign was reflected by the swell biz done by the pic.

Pushing a Short

Seattle. Taking advantage of exploitation angles sometimes presented in a short, Vic Gauntlett and Eddie Rivers of the Hamrick-Evergreen publicity staff, went to the races for "Fyvyan Doner in Fashion Forecasts" (20th). The picture, currently shown at Fifth Ave. theatre, along with "The Great Waltz" (MGM) and "Vacation from Love" (MGM).

Preview was given before the editors of the Washington Post-Intelligencer and the Times, which resulted in dandy news stories and features.

Tie-up made with Frederick & Nelson, big dept. store, for special display window, featuring 40 by 60 "blowup" of a fashion still from the pic, and daily ads in the Times, stressing fashion in the picture. The Doner opus, which really rates. The store also had interior displays to tie-in with the idea.

Selling Horror

Kansas City. Recent smash success of "Frankenstein" and "Dracula" on a dual bill has brought about a new exploitation "Bride of Frankenstein" and "Dracula's Daughter" as a scary pair. Later horrors were booked into the Orpheum, and Bob Haley added a little persuasion to the program in the form of some effective advance plugging. He paraded skeleton-costumed figures up and down the aisles and on stage while showing trailers of the coming picture. More information of eerie lighting effects to enhance figures.

Where first pair of reissues dared a dance, Haley's ads defied customers to come in, and ads were set up in heavy black reverse.

Small Families

Philadelphia. Smart idea of Henry Kahan, manager of WB Savoy, for exploitation of "Four Daughters" proved a complete fiasco. He started a contest to find the four sisters in Soho. Philly who look most like the Lane sisters, and Gale Page, featured in the Fanny Hurst pic.

There wasn't a single entrant.

Comerford's Own Rag

Wilkes-Barre, Pa. With no regular newspapers being published here for some time due to the Guild strike, Comerford Circuit has taken advantage of the situation and is printing a regular weekly eight-page pink tabloid of "Movie News."

John Nolan, in charge of exploitation for the circuit, is distributing 40,000 copies of the bulletin to local residents.

'Hot' Money

Fine Bluff, Ark. To call attention to "Too Hot to Handle," the employees of the Saenger were given their pay with each \$1 bill in a cellophane bag, on which was printed the title of the picture and directions that more information could be had concerning the "hot money." Some to whom the money was offered were afraid that it might not be good.

Made 'Em Marxes

Lynchburg. Because a woman who operates a beauty shop in the Paramount here detected a resemblance between Billy Baker, the theatre's artist, and Groucho Marx, the house was able to wow the town with an exploitation stunt for Room Service.

The technician made up Baker as Groucho, and enlisted H. E. Fanchon, manager of Dunlop Tire Company's branch in the same building, as Chico, Faulconer's assistant, Guy Fitzgerald, was Harpo. Truck borrowed from an automobile agency across the street was turned into a float, and the comical trio paraded through the Main Drag then to a roadhouse four miles out of town.

Metro Tries It

Full page announcement of forthcoming national Great Waltz competition being sponsored by MGM on behalf of its own production, "The Great Waltz," appeared in the N. Y. World-Telegram last week (Sat).

Contest is for dance teams, entries being accepted from all over the Metropolitan and New Jersey areas and with other theatres elsewhere. Prizes will consist of three-month contract for the first winners with MGM studios; 86 other awards including 48 cups, 24 free trips to N. Y., medals and other special awards. Finals take place at the Waldorf-Astoria Dec. 12.

Fake Ballots

About the best of the numerous fake ballot uses for advertising the past couple of weeks comes from Lester Pollock, of Loew's Rochester.

Roughly suggesting a sample ballot, the spaces were for the components of the theatre bill. Distributed at rallies for both parties, in office buildings and at registration booths, he intended to fool, but merely to lure in the flood of campaign literature.

Zukor's Big Order

(Continued from page 3)

ductive of extremely unsettled business conditions.

Second, consideration was given to the possibility that if Paramount could safely withdraw from actual conduct of its theatre business and abandon its British selling organization and exchange on a production basis, he asked of a healthy annual revenue from continued distribution of its pictures by British interests, the company could then be free of its European worries and be in a better position to concentrate on production problems in Hollywood.

Third, by such a series of deals, Paramount's financial cash position would be made more formidable, perhaps more so than any other American company, plus the fact that it would be getting a guaranteed revenue for its film product, thus taking the gamble away from its production setup. It would have stood to gain from such a maneuver about \$15,000,000 in cash, for the turnover of theatres, and thereafter between \$6,500,000 and \$7,000,000 annual cash revenues from distribution proceeds of the product.

Blumenthal Started

One such deal was initiated by Ben Blumenthal, one time partner of Paramount in European talent and story property ventures, who has discussed sale of theatres and takeover of distribution with Austin C. Keough and Griffiths. Latter was over to England early this fall to go into the propositions. With terms of deals reputedly satisfactory and agreed upon, according to Blumenthal, Griffiths suddenly veered away from further negotiations and sailed for New York, stating that he had changed his mind about any theatre and film activities from England and would, instead, go ahead with an expansion program of Paramount's theatre holdings.

About this time Paramount is supposed to have started other negotiations with Oscar Deutsch's Odeon Theatres, or vice versa, for houses, operate them and ultimately, with proceeds of a new public stock issue to be floated, acquire the properties outright. This had been denied by Barney Balaban, as far as Paramount is concerned.

Part of Odeon's purported deal contemplated a combination booking deal of Paramount product in its own theatres and in those of the G-B chain. To date there has not

been reported any successful conclusion to an Odeon-Paramount deal. Any combination or pooling of booking arrangements with Odeon and Gaumont-British necessitates the consent of 20th-Fox, largest minority stockholder in G-B. Philip Hill, English financier and underwriter of Odeon securities, is reported anxious to strengthen Odeon Circuit's financial position through some such combination of theatre properties and film pooling arrangement in the belief that, with this very promising future business outlook as a basis, a new public stock issue could be floated by Odeon.

Carolina Exhibs Meet

Dec. 4-5; Other Confabs

Charlotte, N. C., Nov. 8. Approximately 400 will attend the annual convention of the North Carolina and South Carolina Theatre Owners Association, Dec. 4-5, according to Mrs. Walter B. Griffith, executive secretary and treasurer. More than 200 theatres will be represented at the gathering.

S. S. Stevenson, president, of the association, last week attended a meeting of the national group at Oklahoma City.

Columbus, O., Nov. 8. The annual convention of the Independent Theatre Owners of Ohio will be held in the Desher-Wallick hotel here Nov. 14-15, along with the regional conference of Allied States Association of Motion Picture Exhibitors Nov. 14. P. J. Wood, secretary of the Ohio group is in charge of arrangements.

Theatres-Exchanges

Denver. Fox is reopening the Denver Webster after a year's closure for the summer. It is the last of the five Denver houses that closed in the spring to reopen. Harry Lane will manage the Webster.

Gibraltar Enterprises has added the Grand at Rocky Ford, Colo., to its string, buying the property from J. J. Goodstein. Gibraltar also bought the theatre property of the Rialto in Loveland, Colo., from Goodstein where Gibraltar has been operating. The Rocky Ford transfer bill maps the deal to the Grand at Wheaton, Colo., and N. M.

The State, Idaho Springs, Colo., has reopened following repairs for a boiler explosion.

Dave Cockrell has sold the Park theatre, Denver, to George Hilding, retired naval officer.

C. L. Wheaton is back at his old job as office manager and booker at the Grand Natl. exchange.

Bert Turgeon, Public (Cooper) booker, transferred to Oklahoma City, with Frank Roberts taking the job in addition to his other duties.

Pittsburgh. Abe Weiner from Boston office, where he was salesman, to become exchange manager here for U. A. Success Clarence Eismann, who left over week-end for New York to take over management of U. A. N. Y. city distribution department.

Lester Hutcheson in from Shea house in New Philadelphia, O., to take over temporary management of Fulton White Rhodes going back to Colonial in Akron, O. Permanent replacement for John Goring, who resigned recently, will be made in next few days. Goring has left for Hollywood where he has a deal on the fire for a production spot at one of the indie studios.

Gaumont-British office here still operating without a manager to succeed Joe Kaliski, who resigned to distribute "Birth of a Baby" in state of Virginia. Appointment, however, expected momentarily. Max Shulgold left G-B to take charge of National here, where Charles Dornie is new exchange manager, replacing Jules Lapidus, recently upped to head a GN district.

San Francisco. Herbert Rosener, operator of the Clay and Larkin International theatres here, is now in Kansas City to open the Vogue, latest addition to his chain of foreign language theatres. The Vogue is the fourth theatre added to the chain this year, bringing the total now operated by Rosener to eight houses—two in San Francisco—two in Los Angeles, and one each in Seattle, Portland, Cleveland and Kansas City.

Fairmont, W. Va. R. E. Knight and James H. Brownfield, managers of the Fairmont and Virginia theatres for Warner Bros., who resigned to operate a new house, have been replaced by Frank Austin, of Morgantown, and James McHugh, of Pittsburgh, Pa.

Los Angeles. Stanley Brown was upped to city manager of the six Fox West Coast houses in Long Beach. He formerly managed the West Coast theatre here.

Fair and B'way in B.O. Tie

(Continued from page 1)

the air to speak on the participation of the various exhibits from those lands.

John S. Young, former NBC announcer, spiritedly explained the promotional plan. He stated that show business must be benefited, since the fair will mean the expenditure of \$1,000,000,000, also saying that the fair is news and had already secured more than \$8,000,000 in free publicity. The committee was asked to aid in stemming the negative tide that the threat of war, diplomatic mistakes, world events and politics tends to set up. Young expressed Whalen's opinion that "things will be fine in 1939," with the aid of the various advisory committees.

John Golden, the entertainment committee's chairman, added his appeal for whole-hearted cooperation from show business. Quite a contingent of managers was on hand, although the meeting had been rather hastily called. Prior commitments among the film element on the committee apparently prevented their attendance.

Influx of girl shows and presentations featuring femmes continue for the New York World's Fair amusement sector, although officially this is supposed to be backgrounded for artistic beauty and aesthetic stage productions. Trend is towards flesh entertainment with popular appeal designed to attract eye of visitor from outside New York, although the fair is going ahead with its huge theatre project to be supervised by John Krimsky. This auditorium, seating 2,500, is reported to have had several parcels of coin from the fair itself.

Tendency to spot in shows with obvious appeal is seen in the addition of the "Flash Gordon" rocket ship concession which is supposed to show weird creatures (Martians mentioned in recent Columbia broadcast) which will be handled by Messmore & Damon.

Norman Bel-Geddes is planning a novel feminine beauty show, designated as the Crystal Palace. Myriad of mirrors will produce the illusion of a countless number of posing beauties while actually only a few will be used.

"Old New York," reproduction of famed Manhattan spots of early days in its two-acre plot, has been set by the fair by George Jessel and Messmore & Damon. Besides a Barnum museum, there will be Frances Tavern, the Haymarket, Henry Hudson's Half-Moon, Chuck Connors' saloon

and other famed spots of the gay '90s. Steve Brodie leap from a 100-foot model of Brooklyn Bridge will be a feature six times daily.

Merrie England Village, operated by the same J. T. Schless interests which ran "Old England" at the Chicago fair, also has been signed. Globe theatre is to be a highlight of the village, where condensed versions of Shakespearean plays will be offered.

Another new concession entry is "House of Popeye," a walk-through, based on the late Segar's Popeye the Sailor creation for King Features.

New York's exposition also will have a "Naval Show," handled by Emmett W. McConnell, who has had similar shows at other fairs.

Peak in sight-show entertainment will be a free feature of the amusement sector, with about \$1,000,000 put into the giant fireworks and water display on midway's big lagoon. An elaborate loudspeaker system will provide accompanying music and sound effects, tests of this being heard on most distant parts of exposition grounds.

Other girly shows set include South Seas Village, Monte Carlo Folies, Billy Rose's marine show, La Belle France, Greenwich Village Folies, Cuban Village, Savoy Ballroom, and Living Magazine Covers.

No gambling will be allowed on the fair grounds because it is on city park land. Elaborate system of zoning, extending about half a mile on all sides from the limits of the exposition grounds proper, designates which districts are business sectors and which are residential.

Added Accommodations

Anticipating a heavy overflow of visitors to the New York World Fair from N. Y. hotels, suburban homes are being canvassed for available boarding space by an organization which will act as a rental agency. Canvassers are currently lining up home owners interested in making a few extra bucks by renting out unused guest rooms.

Chartered as Accommodations for the Fair, Inc., the outfit already has about 25,000 rooms listed which are considered far from snooty in view of the official estimate which places the expected daily attendance at the Fair at 270,000. By the time the Fair opens the organization expects to list three or four times the current figure. The ones already on file cover the five boroughs and far out on Long Island, and include small hotels, boarding houses, etc.

New York Theatres

There's a Better Show
at the **ROKO** THEATRES

NOW PLAYING
"BROTHER RAT"
PRISCILLA LANE
WYNNE MORRIS
ON THE SCREEN
9 P. M.

7th Av. & 50th St.
ROXY
ALL 25c TO SEATS 1 P. M.

WALLACE BEERY
MICKY ROONEY
"STABLEMATES"
Starts Thursday
Robert Donat • Rosalind Russell
CAPITOL
214 STREET

HELD OVER
—IN PERSON—
Mark WATSON
and Ray
Raymond SCOTT
Quintet
Fred MacMurray
Ray Milland
Louise Campbell
Maxine Sullivan
Ann Miller

TODAY ONLY
Gable - Loy
"TOO HOT TO HANDLE"
Rudy Vallee Orch.

RADIO MUSIC HALL
HELD OVER
"THE YOUNG IN HEART"
Spectacular Stage Productions

The Nancy Drew Series

CAN DRAW AS NO SERIES HAS BEFORE!

She's sweet sixteen and the sweetest idea yet presented in a family-patronage feature series! Yours from WARNERS—straight from the famous Carolyn Keene books with a mass appeal de luxe, *plus* a matinee magnetism no other series has approached! *See the First—You'll Demand Them All!*



Now Booking

NANCY DREW, Detective

Bonita Granville

Plays 'Nancy'—and plays her mighty swell!

Now in Production

NANCY DREW, Reporter



FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
9/2/38	PHANTOM COLD AM THE LAW THREE LOVES HAS NANCY UNOER THE BIG TOP SING, YOU SINNERS CAREFREE THE HIGGINS FAMILY BILLY THE KID RETURNS MY LUCKY STAR FRESHMAN YEAR FOUR'S A CROWD	Col Everett Riskin Norman Krassa Wm. T. Lackey Wesley Ruggles Pandora Berman Sol C. Siegel Chas. Ford Harry J. Brown Geo. Bilson David Lewis	Col Col MGM MGM Par RKO Rep Rep 20th WB	Western Meller Rom-Dr Rom-Dr Com-Rom Musical Comedy Western Mus-Com Comedy Com-Rom	J. Luden-B. Marion E. G. Robinson-W. Barrie Montgomery-Gaynor-Tone A. Nagel-J. LaRue B. Crosby-F. MacMurray F. Astaire-G. Rogers J. Rogers-L. Gleason R. Eglason-S. Burnette Helen-E. Greene-Romero D. Dunbar-E. Truex-Lundigan R. Russell-E. Flynn	Joe Levering Al Hall R. Thorpe Carl Brown Wesley Ruggles Mark Sandrich Gus Meins Joe Kane Roy Del Ruth Frank McDonald Michael Curtiz	54 99 97 93 88 83 66 56 90 65	9/28 8/21 9/7 9/21 8/17 8/31 9/7 9/21 9/14 8/17
9/9/38	THE LADY OBJECTS COLORADO TRAIL BOYS TO WATCH STARLIGHT OVER TEXAS IN OLD MEXICO AFFAIRS OF ANNABEL SAFETY IN NUMBERS PERSONAL SECRETARY SECRETS OF AN ACTRESS	Wm. Perlberg Col John Considine Ed Finney Harry Sherman Lou Lusty John Stone Max H. Golden David Lewis	Col Col MGM MGM Par RKO 20th U WB	Com-Rom Western Drama Drama Western Comedy Comedy Rom-Dr Rom-Dr	C. Stuart-L. Ross G. Starrett-L. Meredith S. Tracy-M. Roscoe-Bull Tex Ritter-C. LaRue W. Boyd-G. Hayes J. Oakie-L. Ball J. Prouty-S. Byington W. Gargan-L. Hodges K. Francis-G. Brent	Eric C. Kenton Sam Nelson N. Taurag Al Herman Edw.D. Venturini Ben Stoltz Mal St. Clair Otis Garrett Wm. Keighley	63 54 96 93 96 73 55 77 62	10/5 11/2 9/7 9/21 9/28 8/10 9/7 9/21 9/28
9/16/38	JUVENILE COURT TOO HOT TO HANDLE MEXICALI KID KING ALCAZAR THE RENEGADE RANGER HOLD THAT CO-ED THE BLACK BANDIT VALLEY OF GIANTS	Col L. Weingarten Robt. Tamsey Par Bert Gilroy D. Hemmstead Trem Carr Lou Edelman	Col MGM MGM Par Par 20th U WB	Drama Com-Dr Western Drama Drama Rom-Com Western Outdoor	F. Kelly-E. Hayworth-Darre Gable-Loy-Carrillo J. Randall-W. Barry G. Patrick-L. Nolan-Naish C. O'Brien-E. Hayworth J. Barrymore-G. Murphy Bob Baker-M. Reynolds W. Morris-C. Trevor	D. R. Lederman Jack Conway Wallace Fox Robert Florey David Howard Geo. Marshall Geo. Waggoner Wm. Keighley	60 108 56 55 100 80 70 75	9/14 9/21 9/7 10/5 10/28 9/28 9/21 8/17
9/23/38	STRANGER FROM ARIZONA WANTED BY POLICE CAMPUS CONFESSIONS FUGITIVES FOR NIGHT PEABODY MOON TIME OUT FOR MURDER ROAD TO RUIN FOUR DAUGHTERS	Monroe Shaff Lindsay Parsons Par Lou Lusty Harry Grey Sol Wurtzel Ed Grainger Ben Glazer	Col MGM Par RKO Rep 20th U WB	Western Meller Par Comedy Footbal Western Comedy Drama Com-Dr	E. Jones-D. Fay Darro-E. Knapp B. Grabell-L. Luisetti F. Albertson-E. Lynn G. Aubrey-S. Burnette G. Stuart-M. Whalen E. Scott-H. Hampton Frisella-Rosemary-Lane	Elmer Clifton H. Bretherton G. Archambaud Leslie Goodwins Frank Staub H.B. Humphreys S. Sylvan Simon Michael Curtiz	55 59 65 63 68 73 88 71	9/21 9/28 9/14 9/28 10/19 9/7 10/5 8/17
9/30/38	GIRL'S SCHOOL YOU CAN'T TAKE IT WITH YOU MAN WITH 100 FACES VACATION FROM LOVE SONS OF THE ROOM SERVICE OVERLAND STAGE RAIDERS DOWN IN ARKANSAS STRAIGHT, PLACE AND SHOW DRUMS, KORDA YOUTH TAKES FLING GARDEN OF THE MOON	Samuel Marx Frank Capra A. Hitchcock MGM P. S. Berman Wm. Berke Armand Schaefer D. Hemmstead Alex. Korda Joe Pasternak Lou Edelman	Col Col Col MGM RKO Rep Rep 20th UA U WB	Rom-Com Comedy Drama Comedy Rom-Com Com Western Drama Com Com-Dr Musical	A. Shirley-N. Grey-Bellamy J. Arthur-L. Barrymore-J. Stewart L. Palmer-T. Walls D. O'Connor-E. Lee-B. Cook Marx Bros.-L. Ball Three Mesquiteers R. Byrd-Weaver Bros. Klitz Brog-R. Arlen Sabu-R. Massey-E. Livesey J. McCrea-A. Leeds P. O'Brien-J. Payne-M. Lindsay	John Brahms Frank Capra A. Hitchcock G. Fitzmaurice J. Hagan Wm. Selter Geo. Sherman Nick Grinde David Butler Zoltan Korda Archie Mayo Busby Berkeley	71 126 72 65 60 61 55 66 101 94	9/27 9/28 11/2 10/5 10/5 9/14 9/28 10/12 4/20 9/21
10/7/38	CRIME TAKES HOLIDAY WEST OF THE SANTA FE STABLEMATES MR. WONG DETECTIVE TOUCHDOWN, ARMY MR. DOODLE KICKS OFF THE NIGHT HAWK MEET THE GIRLS THAT CERTAIN AGE BROADWAY MUSKETEERS	Col Col Harry Raft W. T. Lackey Par Bob Sisk Herman Schlom Howard J. Green Joe Pasternak Bryan Foy	Col Col MGM MGM Par RKO Rep 20th U WB	Meller Western Com-Dr Com-Dr Footbal Com Drama Comedy Mus-Com Comedy	J. Holt-M. Ralston C. Starrett-L. Meredith W. Beery-M. Rooney B. Karloff-E. Breyer J. Howard-R. Cummings J. Penner-J. Travis R. Livingston-J. Travis J. Lang-L. Bari-R. Allen D. Dumble-L. Cooper M. Lindsay-M. Wilson-J. Lital	Lewis D. Collins Sam Nelson Sam Wood Wm. Nigh Kurt Neumann Leslie Goodwins Sidney Salkow Eugene Forde Edw. Ludwig John Farrow	61 89 87 77 73 75 65 66 100 63	10/5 9/21 10/5 9/21 10/5 10/5 8/21 10/5 9/21
10/14/38	FLIGHT TO FAME LADY VANISHES SHADOWS OVER SHANGHAI YOUNG DR. KILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEER THE SISTERS	Ralph Cohn A. Hitchcock Fine Arts Lou Ostrow Ed Finney Geo. Arthur Bob Sisk K. MacGowan Hal Roach Max Golden David Lewis	Col Col GN MGM MGM Par RKO 20th UA U WB	Drama Rom-Dr Meller Com-Dr Western Com-Dr Com-Dr Rom-Com Rom-Com College Drama	C. Farrell-J. Wells M. Lockwood-E. Lucas J. Dunn-E. Morgan L. Ayres-L. Barrymore Tex Ritter E. Burns-F. Bainter E. Ellis-A. Shirley Dionne Quins-Hersholt F. March-V. Bruce T. Brown-A. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. A. Hitchcock Chas. Lamont H. Bucquet Al Herman Al Santell Gaston Kaftan H. I. Leeds Norman McLeod Harold Schuster Anatole Litvak	98 66 83 55 53 55 53 81 81 95	8/31 10/19 11/2 10/5 11/2 10/5 10/28 10/12 9/28 10/5
10/21/38	LISTEN, DARLING MYSTERIOUS RIDER MAD MISS MANTON MYSTERIOUS MR. MOTO YOUNG IN HEART SERVICE DE LUXE GIRLS ON PROBATION	Jack Cummings Harry Sherman P. O. Wolfson Sol Wurtzel D. J. Selznick Ed Grainger Bryan Foy	MGM Par RKO 20th UA U WB	Rom-Dr Western Mys-Com Com-Dr Rom-Dr Com Drama	Bartholomew-J. Garland D. Dumbrille-C. Fields B. Stanwyck-H. Fonda F. Loree-M. Maguire J. Gaynor-D. Fairbanks, Jr. C. Bennett-V. Price-Buggles E. Flynn-B. Davis-A. Louise	Edw. Marin Les Selander Leigh Jason Norman Foster Richard Wallace Rowland V. Lee Anatole Litvak	72 74 98 91 91 85 85	10/19 10/12 9/21 11/2 10/19 10/26
10/28/38	LAW OF THE TEXAN THE LITTLE ADVENTURES THE GREAT WALTZ THE CITADEL MEN WITH KINGS I STAND ACCUSED TARNISHED ANGEL SUEZ THE STORM THE LAST EXPRESS BROTHER RAT	Monroe Shaff Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer B. P. Fineman Gene Markey Ken Goldsmith Irving Starr Robert Lord	Col Col MGM MGM Par Par RKO 20th U U WB	Western Action-Dr Musical Drama Drama Drama Drama Spec Drama Drama Comedy	Buck Jones-D. Fay E. Fellowes-J. Wells L. Rainer-F. Gravet E. Donat-R. Russell F. MacMurray-E. M. Rand R. Cummings-H. Mack-L. Talbot S. Eilers-L. Bowman T. Power-L. Young C. Bickford-B. McLane K. Taylor-D. Kiefer W. Morris-P. Lane-J. Wyman	Elmer Clifton D. R. Lederman J. Duviols King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Harris Young Otis Garrett Wm. Keighley	54 60 107 112 106 61 67 148 75 90	10/26 11/9 11/2 10/26 10/26 11/2 11/2 10/19 10/19 10/19
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN PACKER THE LAST RIDE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE TRADE WINDS EXPOSED HARD TO GET	Col W. T. Lackey Robt. Tansey Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Wm. Wanger Bert Kelly Sam Bischoff	Col Col MGM Par Par RKO Rep 20th UA U WB	Western Meller Western Rom-Dr Meller Western Western Comedy Rom-Com Drama Comedy	E. Elliott-D. Gulliver I. Cooper-L. Gilman J. Kandell-L. Stanley A. Tamiroff-F. Farmer J. C. Nash-M. Carlisle G. O'Brien-K. Sutton G. Aubrey-S. Burnette J. Withers-A. Treacher-J. Rogers J. Bennett-F. March O. Kruger-G. Farrell D. Powell-O. de Havilland	Jos. Levering Wm. Nigh Wallace Fox Alfred E. Green Louis King David Howard Geo. Sherman Jos. Santley Tay Garnett Max Golden Ray Knight	78 78 90 90 90 90 90 90 90 90	11/9 11/9 11/9 11/9 11/9 11/9 11/9 11/9 11/9 11/9
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER BENGAL JUST AROUND THE CORNER TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Evd. Chodorov Frank Lloyd Lou Lusty Armand Schaefer Dave Hemmstead Bryan Foy	Col GB MGM MGM RKO Rep 20th WB	Drama Meller Rom-Com Rom-Com Rom-Com Rom-Dr Comedy Comedy	P. Kelly-L. Gray N. Beery-G. Harker M. O'Sullivan-L. Ayres R. Calahan-F. Des-Robone J. Oakie-L. Ball P. Knowles-R. Hudson S. Temple-C. Farrell G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Sid Landers Lew Salkow Irving Cummings Michael Curtiz	75 54 100 66 65 70 72	4/7/37 9/21 10/19 10/19 11/2 10/12
11/18/38	THERE'S THAT WOMAN AGAIN THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOWNS SANTA FE STAMPEDE SHARPSHOOTERS STRANGE FACES ANGELS WITH DIRTY FACES	Col J. Manckiewicz E. B. Derr Par Cliff Reid Wm. Berke Sol Wurtzel Bert Kelly Sam Bischoff	Col MGM MGM Par RKO Rep 20th U WB	Rom-Com Drama Meller Rom-Com Western Western Action Com-Dr Drama	M. Douglas-V. Lee J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Burroughs H. Carey-T. Holt-E. Brent J. Wayne-R. Corrigan B. Donlevy-L. Bari D. Kent-F. Jones J. Cagney-F. O'Brien	Alex Hall Frank Borzage Lambert Hillyer G. Archambaud Glenn Tryon Geo. Sherman Bas. Tinsling Earl Taggart Michael Curtiz	87	10/26
11/25/38	BLONDE OUT WEST WITH HARDYS LITTLE TENDERFOOT ARREST BULLDOG DRUMMOND PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Soarks Lou Ostrow Ed Finney Stuart Walker Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM MGM Par RKO 20th U WB	Comedy Com-Rom Rom-Com Mystery Rom-Com Drama Meller Meller	P. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. F. Falkenberg J. Howard-H. Angel T. Kelly-A. Gillis R. Greene-N. Kelly-Bancroft M. Boland-E. E. Horton B. Granville-J. Lital	Frank Strayer G. B. Seitz W. A. Seitz J. Hagan Edw. F. Clive John Ford Erle Kenton Wm. Clemens	69 90 102 66 65 70	11/2 10/26 10/26 11/2 11/2
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE TRAINER ROMANCE ROAD DEMON SECRETS OF A NURSE	David Loew John Soeaks Cliff Reid Sol Wurtzel Bert Kelly	MGM Par RKO 20th U	Comedy Comedy Comedy Sports Drama	J. E. Brown-L. Carrillo-S. Duna A. Gillis-R. Kent-J. Travis L. Ball-J. Ellison-L. Bowman H. Arthur-J. Walter E. Lowe-H. Mack	F. MacDonald Ben Holmes Gordon Kamin Otto Brower Arthur Lubin	75 75 75 75 75	4/7/37 9/21 10/19 11/2 10/12

NBC Hopes to Revise Station Setup of Accounts Now Basic Blue in East, Red in West

NBC has advised Westcoast affiliates that it feels confident that it will be able to induce a substantial number of blue (WJZ) basic accounts which use the red Pacific facilities to shift over to the blue Pacific link. The network is of the opinion that the special added discounts allowed for certain blue supplementary groups, including the Westcoast, will prove an influential factor in the drive.

Blue basic accounts who go red network west of the Rockies include Sloan's Liniment (Warden Lawes), Canada Dry (Information Please), Lava Soap (Houseboat Hannah), Pond's Face Cream (Thos. We Love), Fels Naptha (Hobby Lobby) and Household Products (Easy Aces and Mr. Keen).

WLS MAY ASK IF FARMS WANT BASEBALL

Chicago, Nov. 8. Having started thinking about the possibility of combining their time for a continuous play-by-play broadcast of baseball this coming season, WLS and WENR are continuing along that same trend of thought despite fact that the original would-be sponsor, General Mills, has now gone and signed for baseball on WENR.

NBC would not be adverse to putting baseball on the station since as its blue outlet the transmitter is more free than not during the summer afternoons. And in addition, would be in a position to move any other afternoon spots to its red outlet here, WMAQ.

WLS is trying to convince itself on baseball, trying to line it up with its primary rating as a farm and rural station. Is thinking of asking its listeners direct to state how they feel about the station's devoting part of its afternoon time to baseball play-by-play, and these replies will figure as the most important factor in the station's decision as to baseball.

Ed East Is Gongmaster

Ed East is replacing Jack Waldron as m.c. and gongmaster on WHN's (N.Y.) amateur hour this Friday (11). Waldron quit to tie up with Maxie Rosenbloom's cafe in Hollywood.

Ray Buflum authored 'Ball Bond Hackett' for 'Big Town' dramatization Nov. 15.

Another First

Charlotte, N. C., Nov. 8. Station WBT will broadcast a deer and bear hunt locally tomorrow (Wed.). Hope to give the world the first bear ever shot over the radio.

CBS APPEALS KSFO DENIAL

Harry Butcher, Columbia's v.p. in Washington, has been instructed to appeal the Federal Communication Commission's action on the KSFO, San Francisco, rental application to the District of Columbia courts. Move involves filing a petition for review of the commission's decision nullifying CBS' rental of KSFO from Associated Broadcasters, Inc., for a minimum of 15 years. Network closed the deal about two years ago.

Order relayed to Butcher controverts the rumor that has been going the rounds of the trade, to the effect that CBS had indicated by certain approaches in the northern California area that it had no intention of going through with an appeal. Report had it that the network had again become interested in working out something with Ralph Brunton whereby KQW, San Jose, would be moved into San Francisco as a 50,000-watt, and also that CBS had held recent conversations about purchase of KROW, Oakland.

CBS denied that it had talked recently with anybody now connected or slated to be connected with either KQW or KROW. The conversations with Brunton, it said, had taken place over a year ago and all thoughts of affiliation were dropped because of financial complications. Last contacting of KROW was prior to the deal with KSFO.

New York Baseball to Be Sponsored?

General Mills Will Put Games on WABC—Dodgers Probably Go to WOR

Chicago, Nov. 8. Reported that General Mills has bought the broadcast rights of the home games of the N.Y. Yankees, the N.Y. Giants and the Brooklyn Dodgers for the 1939-40 season. Total figure quoted for the rights are \$475,000. Another \$200,000 will be spent for time on WABC, CBS' N.Y. key, with this station clearing both the Giants and the Yankees games. WOR will air the Dodgers games.

RCA Television Stunt Has Auto Show Models In NBC Front Yard Bally

All the major automobile manufacturers have accepted an invitation from NBC to parade their new models through Rockefeller Plaza, Radio City, Nov. 10, as part of a television demonstration. It is the network's plan to televise the entire parade, mingling closeups with long shots. Idea behind the preview, which will be the first of its kind, is to show the manufacturers how effective television will be in demonstrating their wares. E. P. H. James, NBC promotion manager, thought up the stunt and extended the invitations.

Teletext broadcast will take place the day before the auto show opens in New York. Things will be so arranged that the automotive companies' sales and advertising execs will be able to take in both the parade and the machine reception of the televised images.

Among those that have advised NBC that they will have samples on hand for the parade are General Motors, Ford, Chrysler, Studebaker, Hudson, Packard, Nash, Graham-Paige, Hupmobile and Willys.

CLAY MORGAN SEEKS MORE LIBERTY

Clay Morgan, NBC's director of public relations, is trying to rearrange the work of his office so that he can get around to see more people in the trade. He says he's going to unload most of the detail even if the keeper of the budget won't let him expand the personnel.

What's been getting Morgan down is that he can't function in his accustomed manner. He'd like to devote most of his time in contacting radio editors and others, do a lot of handshaking and spread the entertainment. Instead of being a relations man in the accepted meaning of the term, he finds himself tied down to a desk and submerged in a mass of papers.

IT TAKES TIME

Harry Batten Points Out Long-View Aspect on Accounts

Philadelphia, Nov. 8. Reports that N. W. Ayer and Son agency is after and about to get tremendous radio account, understood to be one of the cigarette companies — was denied last week by Harry A. Batten, Ayer prez. Batten said he was after plenty of accounts but knew of none that had inked the line yet. He pointed out the marathon characteristics of account-grabbing by citing that the agency has been trying to sell one account for 12 years and it has been on the verge of signing the contract for the past four years, but just hasn't gotten around to it.

Couple other advertisers have been solicited for as long as eight years, while a flock have been sought after for more than five years.

Suit Accuses NBC Of Filching Wiley's Wildcat

San Francisco, Nov. 8. For using the character of 'Wildcat' in a sustainer on KGO, National Broadcasting Co. has been sued by Hugh Wiley, mag. fictioneer, who charges it was lifted from his copyrighted stories.

Defense by chain's attorney, Frederick Leuschner, is that a character can't be copyrighted and that there is little similarity between the two creations.

Chain Income from Time Sales

NBC

	1938	1937	1936	1935
January	\$3,793,516	\$3,541,969	\$2,681,615	\$2,685,037
February	3,285,083	3,498,083	2,714,300	2,758,319
March	3,806,831	3,614,283	3,037,873	3,025,308
April	3,310,505	3,277,837	2,741,928	2,682,143
May	3,442,280	3,214,819	2,561,720	2,685,211
June	3,200,589	3,003,287	2,323,456	2,380,485
July	2,958,710	2,707,450	2,420,983	2,208,935
August	2,941,089	2,784,977	2,422,431	2,021,365
September	2,979,241	2,850,581	2,886,637	2,163,317
October	3,773,964	3,339,739	3,696,489	2,779,557
Total	\$33,704,768	\$31,630,754	\$27,496,632	\$25,000,037

CBS

	1938	1937	1936	1935
January	\$2,879,945	\$2,378,620	\$1,901,023	\$1,768,949
February	2,680,335	2,364,317	1,909,146	1,654,461
March	3,034,317	2,559,718	2,172,362	1,820,553
April	2,424,180	2,563,478	1,950,399	1,815,389
May	2,442,283	2,560,558	1,749,517	1,287,455
June	2,121,495	2,476,567	1,502,768	1,066,729
July	1,367,357	1,988,412	1,292,775	910,470
August	1,423,865	1,955,280	1,232,588	979,019
September	1,602,105	2,028,585	1,636,932	1,086,900
October	2,389,895	2,505,465	2,429,917	1,722,390
Total	\$22,365,777	\$23,281,018	\$17,979,987	\$13,892,315

MUTUAL

	1938	1937
January	\$269,894	\$213,748
February	253,250	233,286
March	240,637	247,431
April	189,545	200,134
May	194,201	164,633
June	202,412	117,388
July	167,108	101,457
August	164,626	96,629
September	200,342	132,868
October	347,770	238,683
Total	\$2,229,785	\$1,736,255

NBC, \$3,773,964; CBS, \$2,389,895;
Mutual's October Gross \$347,771

DUPONT COMES BACK

E.B.D. & O. Has Joe Cook Show Warmed Up—Denies It's Bond Bread

Dupont returns its 'Cavalcade' program to CBS Nov. 28, taking over the Monday 8 to 8:30 segment. E.B.D. & O. has the account.

Same agency is still waiting an okay from another client on the show composed of Andre Kostelanetz, Joe Cook, Kay Thompson and a mixed chorus. E.B.D. & O. denies that the intended sponsor is Bond Bread.

SILVER THEATRE EAST FOR HAYES AND WELLES

Hollywood, Nov. 8.

Orson Welles presides as narrator on Silver Theatre during its two broadcasts from New York, Nov. 13 and 20. Helen Hayes is starred in the double header dramas of Charles Tazewell's 'Stars in Their Course.' Glenhall Taylor, producer, goes east to handle the show.

Next Coast airing is Nov. 27 with Ginger Rogers in the starring role and Conrad Nagel back as narrator.

Cockrane Agency Adds 3

Chicago, Nov. 8. W. K. Cockrane agency here has added a trio of execs. Coming over from WJZ as radio director is Henry Stanley.

P. Wayne Jackson, production chieftain for several agencies around town during the past, joins the Cockrane outfit as account exec, and Tom Kelly, former newspaperman, comes in as public relations head.

Warren Munson, who resigned as announcer-program conductor at WGY, in September, 1938, has returned as special mickman on Socony Red Horse Revue over the Schenectady station. In between two stretches of service at WGY, Munson was at WTIC and WTAM.

Columbia's billings continue to stay under the 1937 level. Drop for the past month was 4.6%, while the network's hope of showing a plus percentage for November may be frustrated by the cancellations and rebates caused by political broadcasts. NBC's gross for this October was 13% better than the like month of the previous year, while Mutual's boost amounted to 45.7%.

NBC billings last month totalled \$3,773,964. With CBS it was \$2,389,895. Mutual got \$347,771. On the first 10 months NBC is 6.5% ahead of last year. For Columbia is a minus 2.8% and Mutual, 33.8%.

In October of last year NBC garnered \$3,339,739, while October, '36, brought a gross of \$3,696,489 and October, '35, \$2,779,557. CBS drew \$2,505,485 in October, '37, and the like months for the previous two years were \$2,429,917 and \$1,722,390, respectively.

Bob Goldstein, Hummert Assoc., Out of FAS Setup

Bob Goldstein has resigned as general manager of Featured Artists Service, Inc. This organization does the booking of artists, writers and directors for the shows which Air Features, Inc., produces for Blackett-Sample-Hummert. It also manages artists not in radio. Two of the latter, Harold J. Rome, legit score and book writer, and Richard Greene, 20th Century-Fox contract player, will most likely continue under Goldstein's personal supervision.

Goldstein, who as a business intimate of Frank Hummert, organized the FAS, intends to devote all his time to the producing of legit plays. He last produced 'Golden Boy' in London. His successor in the booking outfit has not been named.

THIRD
OF A
CENTURY

COAST ROMANCE MARRED

HOLLYWOOD RADIO COLONY WORRIED

Fear Campbell Soup and Texaco Cases Are First Mutterings of Dissatisfaction with Film Town as Radio Origination Point

HOW SERIOUS?

By JACK HELLMAN

Hollywood, Nov. 8.

Ever quick to make a lot out of a little, the Hollywood radio colony is jittery just now about the scheduled Campbell Soup switch east to sponsor Orson Welles Mercury Theatre and the deep-seated neuritis racking the Texaco program here. Are these the first signs of a retreat from Hollywood? The question is asked by Hollywood.

From the first feverish start of the Coast radio boom in the summer of 1937 the enemy has always been recognized as the east. Fickle heart of sponsorship has never been fully won, it's feared. Meanwhile hundreds of people derive their livelihoods from the rash of prosperity the Hollywood enthusiasm created.

Ward Wheelock has been outspoken in suggesting advertising was overfed on Hollywood. Other hints that there is a reaction setting in have been heard. What Hollywood cannot judge—being bad at that because of lack of perspective—is just how serious the symptoms are.

Washup of the Texaco program is certain unless C.A.B. rating takes considerable rise in next few weeks. Costly revue started off around 10, very mediocre, only immediate change admitted is replacement of Adolphe Menjou with possibility that John Barrymore will be emcee.

Biggest headache of program is being spotted opposite Fred Allen. Columbia may try to move a few shows around to accommodate Texaco with easier niche. Bill Bacher may fly east after Wednesday broadcast for showdown talk with Texaco execs. Understood Texaco financed a special C.A.B. survey of Texaco program and has been buzzing everyone for comment. Only ones safe on show said to be David Broekman, Kenny Baker, Ned Sparks.

Contributing to show's dilemma is reported scrap between talent and advertising agency for upper hand.

Changes After 13th

From the Texaco home office in New York it was learned Monday (7) that no changes on the "The Star Theatre" will likely be made until after the current 13-week cycle has expired. Also that it has not given thought to shifting the origin of the program east. Show, it was added, would naturally have to stay in Hollywood as long as it depended on film names, but that this angle was beginning to have some annoying facts. One of these have been the last minute cancellation of guest acts because of studio or location schedule complications. This happened only last week (2) when the Dead End Kids cancelled and John Barrymore had to be rushed into the breach with but a few hours notice.

Chas. Allen's Radio Dept.

Charles S. Allen office (nee Curtis & Allen) will add a radio department this month. Allen is at present dickering with Fred Norman, who formerly had Tim and Irene, etc., to take the spot.

Further expanding, Allen is also reading creation of a legit casting department and will spread out to embrace authors, scripts, etc. Office was formerly a vaudeville combine.

N. W. Ayer last week had Franklin D. Baker transferred from "Frisco to Philly" office, while Thomas H. Collard went from Philly to "Frisco."

SNAP OUT OF IT, RADIO!

When is the broadcasting business going to cast off its lethargy, quit procrastinating, and start trying to save itself from itself? And from the menacing outside influences which have gained force with the passage of time and the industry's smugness and self-satisfaction?

How much longer will the leaders of the industry—more particularly the pillars of the National Association of Broadcasters—remain blind to the necessity of facing facts, adopting some policies, and mapping out a course of action in order to insure the freedom and opportunity for steady development? Is radio going to keep on eternally relying on its own platitudinous sermons about the unquestionable superiority of the American system? Do the responsible heads of the networks and the individual stations believe Washington wire-pulling and chest-beating perpetually will carry the business through every difficulty it encounters?

With the FCC about to begin its prowl and Congress due back on the job shortly, the time has arrived for radio to get realistic. To start appraising itself. To measure the extent of public satisfaction with its performances and accomplishments. To find a way out of the morass of regulatory confusion and legislative uncertainty. Instead of wasting its energies fighting the copyright pool and scrapping with labor, broadcasting should become alert to the growing threat of Federal dictation, which has only one logical—although still distant—conclusion: Government operation.

Everything is not all right with radio. Consider the 'Beyond the Horizon' threat, the Mars hysteria, the Mae West impression, the Judge Rutherford hot potato. Consider the monopoly charges. Consider the FCC troubles. Consider the press hostility.

Professional glad-handers, head-burying scoffers, and rugged individualists may deem these trivial. They are not—they are highly indicative symptoms. Every scandal in the commission, every case of poor judgment in programming, every transgression of the law inflicts an injury on the whole industry. Succession of incidents, each trivial in itself, provides ammunition for the industry's enemies. Whether a self-seeking politician or a sincere defender of the public welfare hurls the accusation, each new 'plausible' charge is more oil dumped on the fire.

Radio's course would seem plain. First, the industry should endeavor to place itself above criticism and attack; second, it should cease waiting on the commission and launch a drive

for a workable statute under which it can function with some degree of certainty.

There is room for improvement from within. Executives realize it, lawyers know it. Instead of pasting on the wall a pious-sounding declaration of ethics, broadcasters should strive eternally to give some actual meaning to the 'public interest' clause in the act. They might well try to frame a set of program standards, specifically defining the vague and confusing terminology in the law and anticipating the FCC's ex-post facto rulings. They can carry further the efforts to throttle offensive advertising. They can do more to see that the educators and the religious groups and reputable advocates of opposing political, social and economic schools of thought are allowed reasonable access to the radio audience.

Waiting on the FCC to clarify the regulatory muddle has hardly proved profitable. Because of the vague, the conflicting, the deficient, and the impractical provisions of the 1934 statute, waiting on the FCC is unlikely to be any more beneficial in the future. As long as the Federal authorities fail or refuse to lay down a comprehensive and sound national communications policy, not even the Supreme Court could administer the present act or advise individual licensees about their conduct.

Radio naturally fears to expose its chin, but such restraint may prove extremely ill-advised in the end. If the industry does its incontrovertible utmost to carry out its obligations and to live up to a high code of deportment, it need not be terrified by the minority of mud-slingers and reformers, in Congress or out.

Broadcasters know of the impossible situations resulting from legislative sloppiness. Take the question of libel—does the anti-censorship clause or the political neutrality provision mean a station cannot defend itself? Take the question of trafficking in licenses—does the act recognize either the bare-bones or the what-the-traffic-will-bear theory? Take the matter of equitable allocation of facilities—does the statute allow multiple ownership in one area and ban it in another, as the FCC has done? What about the leases and the management contracts—on which one group of regulators may take one position and a subsequent commission may take an opposite stand?

As things stand, licensees must dabble in politics. They have to maintain a Washington lobby, make and keep friendship, throw parties. They must divert time and energy and intellectual effort from the job of running radio. They also run a continuous risk that their political activities will backfire.

If the broadcasters don't save themselves, they cannot expect others to do the job for them.

RADIO WRITERS' GUILD IN YRLY.

MEETING

Radio Writers' Guild held its annual meeting Monday night (7) at the Midston hotel, N.Y., and besides other action, elected five members to its council. Those chosen were Erik Barnouw, Henry Fisk, Carlton, Elaine Sterne Carington, Theodore Ferro and John Martin. Council consists of 15 members, five of whom are elected annually to serve for three years.

Among the specific matters attended to at the session was the decision to appoint a committee to study the question of financing an organizing drive in New York and other cities. After lengthy discussion, it was also decided to put into writing a code of ethics for the guidance of members. Ideas would be put into words the main principles, grievances and problems that have arisen and may arise to confront Guild members.

Other topics discussed at the con-fab included credits for radio writers (particularly the out-of-town authors), the question of writing on speculation, various craft problems and numerous grievances. Principal speaker at the meeting was Bayard Veiller. Affair was held at the Midston hotel instead of the cafeteria of the Central Park zoo, N.Y., as had been intended.

U.S. Tire Still a Maybe

Campbell-Ewald is still trying to get the U. S. Tire Co. back on CBS with a half-hour show. Latest indications are that if the account does return it won't be before Feb. 1. Agency has offered the client various spots but before it could get a nod some other account contracted for the period. Tire manufacturer also has yet to approve a show. Last season it signed checks for Ben Bernie, Lew Lehr and Buddy Clark.

Gets Gas OK Stomach

Cincinnati, Nov. 8.

Paul Sullivan, WLW's ace news commentator, is doing his twicely-broadcasting from a bed in Christ hospital, where he underwent an appendectomy Wednesday (2).

Three days later he was propped up to renew mike acquaintance.

CBS Deferred Campbell Announcement on Welles; Feared Publicity Taunt

Columbia deferred announcing the sale of Orson Welles' dramatic show to Campbell soup last week for fear that the Martian scare of the previous Sunday night (30) would be tagged a publicity stunt. Commercial tieup means that Welles will have to drop Broadway legit appearances Friday nights. Campbell is retaining the Friday 9 to 10 p.m. spot which has been filled by 'Hollywood Hotel' for four consecutive seasons. Welles and his troupe take over Dec. 9.

If Welles darkens his Broadway productions Friday nights, it won't set a precedent. It happened in the case of the Texaco alliance with 'Jumbo' (N. Y. Hippodrome) three years ago.

Peto De Lima setting up radio department at Everett Crosby agency.

'100 MEN AND HILDEGARDE' CBS Auditions Large Cast Show Under Raymond Paige

Columbia last Friday (4) auditioned for ad agency men a half-hour program consisting of 100 musicians under the baton of Raymond Paige and Hildegard. Show would be billed as '100 Men and Hildegard' and cost around \$7,000. Event took place at CBS Playhouse No. 1. Similar idea had been projected last season in Hollywood by Bill Bacher with Leopold Stokowski as the designated conductor and Deanne Durbin as soloist.

Gene Fromherz Set

Chicago, Nov. 8. Gene Fromherz, former radio time buyer for J. Walter Thompson, joins Blackett-Sample-Hummert agency here.

Associate of Jack Laemarr in time buying department.

Washington Hearings On St. Louis Talent Jurisdiction Finished

Dispute between the American Federation of Radio Artists and the St. Louis stations was last week aired before the National Labor Relations Board in Washington. Henry Jaffe argued the union case, while a battery of attorneys represented the stations. No decision is expected for several weeks.

Point as issue is whether announcers and other performers (actors and singers) should be grouped together in bargaining or separated into different categories. AFRA contends they should be represented as one group, while the stations take the opposite view. Matter is considered vital in the whole realm of performer unionism, since by separating the different classes of artists into different groups, it is figured the employer might scatter their forces and lessen their bargaining strength.

VARIETY
Services to the
Radio Trade
411 Walnut Street



Protected Material Dept.
(For Writers)



Local Program Registry
(For Sponsors, Stations)



Mail Department

New York—154 W. 46th Street
Chicago—54 W. Randolph
Hollywood—1708 N. Vine

Seattle Stays Home Expecting (For No Reason) Mars Program Would Be Rebroadcast Sun. (6)

Seattle, Nov. 8. Many radio listeners were disappointed in this section Sunday eve (6) when they expected to tune to KIRO for a re-broadcast of last Sunday's 'The War of the Worlds,' which caused so much comment. Although station announced the broadcast would not be repeated, switchboard girls answered many inquiries asking if the show would be re-broadcast. This added a final touch of puzzlement to the popular reaction.

KIRO as well as KVI, Tacoma Columbia station, have gotten mail asking a re-broadcast. Public curiosity among those who didn't hear the original is great. Prominent people have personally called up KIRO management for comment. Several theatre managers professed to note drop in their grossas Sunday eve, blaming slowness of ticket sales on the expected re-broadcast.

PRIZE ANNOUNCER DOESN'T ANNOUNCE

Pittsburgh, Nov. 8. Bill Beal, of KDKA, won 1938 H. P. Davis Memorial Award for radio announcers last week, copping \$150 cash prize and gold medal. Awards for diction were started six years ago by Mrs. Davis in memory of her husband and are to be continued during her lifetime. Beal, however, is no longer on station's announcing staff, having been transferred to continuity department a month ago. First honorable mention went to Walter Sickles, program director and announcer at WWSW, and second mention to Dave Carroway of KDKA.

Rockefeller Committee Meets on U. Grants

Committee that controls the Rockefeller-General Education Board annual grants to Princeton and Ohio State Universities met last Thursday (3) in the offices of the Adult Education Assn. in New York. Princeton has been getting \$67,000 annually and Ohio State \$70,000 for special radio research. Present at the meeting were John Royal, NBC; Fred Willis, CBS; W. W. Charters, Ohio State; Levering Tyson, Muhlenberg College; Neville Miller, N.A.B., and Dr. Frank Stanton. Miller is also with CBS, but attended as alternate for Hadley Cantrill of Princeton, who could not attend.

HAROLD KENT'S HUDDLE

Second Annual School Gathering In Chicago, Dec. 1-3

Chicago, Nov. 8. Second annual School Broadcast Conference, which is to be a permanent conference on utilization of radio for education, will be held in the Morrison hotel here Dec. 1-3 under guidance of Harold Kent, director of the Radio Council of the Chicago Public Schools. Kent is now organizing an Advisory Council of the School Broadcast group. Council will include some 40 names, taking in program and educational directors of many stations and the networks, radio and speech instructors of several midwest universities and schools, radio directors of school systems in the key cities of the midwest and a couple of newspapermen. This Advisory Council will meet on the morning of Dec. 3 to discuss various developments of the use of radio in education.

L. B. Ahead of Time

Cincinnati, Nov. 8. First 1938 Santa Claus program locally started Monday (7) on WKCY as a sustainer. Jingle, bell stanza is stripped on the L. B. Wilson station at 4:45 p. m. L. B. also brought out first calendar for 1939 last week.

The Net Conclusion

Last word on the 'Mars Panic' broadcast appears to be this:

It was the most dramatic reminder to radio (and films) in a decade of the truism that large segments of the population are literally and startlingly under the 12-year-old mentality ceiling.

Carter Blames Pres. Roosevelt For Vacation

Buffalo, Nov. 8. 'What happened to Dies is the same thing that happened to Hugh Johnson, to me and to others,' said Boake Carter when interviewers here asked him about the administration's criticism of Rep. Martin Dies, chairman of the House committee investigating un-American activities. Carter was here to deliver his lecture under sponsorship of the Western New York Alumnae Association of Vassar College. He told his audience: 'I'm taking a vacation from the air, thanks to President Roosevelt. It seems he didn't like some of the things I said.'

ROGERS' NEW POST AS BENTON & BOWLES G.M.

James G. Rogers, who quit several months ago as Lord & Thomas' exec on the American Tobacco account to join Benton & Bowles, has been elected general manager of that agency.

B & B board also named Theodore L. Bates and Walter A. O'Meara directors.

WSAI Ducks Duplication

Cincinnati, Nov. 8. With Cincy's other four outlets broadcasting football games on Saturday afternoons, WSAI is offering non-gridiron fans a three-hour program of pop and semi-classical transcribed music.

Dewey H. Long, WSAI manager, reported that the 11:30 broadcast, Saturday (5) brought 1,000 letters and 800 telephone calls from listeners who were asked by Gordon Shaw, announcer, if they preferred music to football.

WSAI's big brother, WLW, has its top sportscaster, Red Barber, giving accounts of Notre Dame's weekly pigskin battles.

New WDRS Curbstoner

Hartford, Nov. 8. New local man on the street program, 'Main Street-Hartford' was inaugurated by WDRS for five days a week, Monday through Friday. Will be sold to individual sponsors on each day. Monday broadcasts already being sponsored by Howard Glensers. Each person participating in the interviews is given a ticket entitling them to a free day clearing.

Interviews will be of the opinion type with all trick questions barred. Announcers Ray Barrett and Bob Proven are handling the broadcast, from in front of the Hartford Connecticut Trust Company where the station is housed, with the exception of Thursday on which day Harvey Olson substitutes for Proven.

Richard O'Day III Richard O'Day, one of the owners of WNEW, N. Y., is currently bedded in St. Joseph's hospital, Paterson, N. J., with a heart ailment. Condition reported as fair.

Newspaper editorials following the 'Mars Panic' broadcast were agitated (30) over CBS were individually and collectively a good cross-section of how the press reacts to anything concerning radio. Editorials ran the gamut from the rabid radio-baiting and radio hating gleeful gloaters to the fair-and-reasonable sheets that, with the rest of the thinking people, honestly wondered what the near hysteria of the masses implied for good or ill as an indication of American IQ and morale.

Seattle Times professed to discern a subtle New Deal plot in radio's Mercury Theatre revival of H. G. Wells old potboiler, 'The War of the Worlds.' On the other extreme Hugh Johnson writing in the Scripps-Howard syndicate deplored the incident as possible encouragement to censorship ambitions of FCC Chairman Frank R. McNinch.

Those papers not reacting to the fantastic development according to predetermined prejudices seemed inclined to feel that censorship was in no way justified by the incident out of which CBS, along with the nation as a whole and the national defense, had learned valuable lessons which could not be learned in any other way. It was pointed out that the incident was automatically self-correcting.

Catholic Paper's Strong Defense Albany, N. Y., Nov. 8. The Evangelist, organ of the Albany Catholic Diocese and some-

Radio Editor Duped

Syracuse, Nov. 8. Freakiest development of the 'War Between Worlds,' broadcast in this area, came to light during the week with revelation that the most gullible of the listeners in these parts was none other than the radio editor of a local newspaper, Ronald Graham, of the Sunday American.

About the time the Martians were wading the Hudson and starting upstate, Graham had his family bundled into the car and headed north for Watertown. En route he stopped to 'rescue' his mother-in-law and it was then that he learned the attack was purely a dramatic one.

Staff members of the American are not letting Graham forget the episode, particularly that part of it relating to rescue of his mother-in-law.

times outspoken critic of radio, flatly stated in an editorial that the public had been 'taken for a front-page sleigh-ride' by the press in latter's news treatment of 'War of the Worlds' broadcast. Said the weekly: 'Great big, bold America became a laughing stock before the world when a radio kit representing an attack from Mars was supposed to have induced a case of mass jitters. The ridiculously serious reaction of the press made nation-wide turmoil out of a tempest in the teapot. A few nit-wits tuned in late, mistook the kit for a news broadcast, and the papers reported next day, country-wide panic. The innocent radio people were haled to a Federal inquisition. Congressman shouted their time-honored slogan 'there should be a law.' Incensed editors warned against legal censorship. All because of a first-class bed-time story.'

'Let the broadcasting companies take the pompous indignation of Congressman with a pinch of salt and the ridiculous attitude of the press with a little sniff of laughing gas,' concluded the Evangelist editorial. 'They will be glad to forget the incident when the public begins to realize it was taken for a front-page sleigh-ride by some good newspaperman who sensed the news value of the story.'

Cool to Chilly

Albany, Nov. 8. Gannett's Knickerbocker News (evening), which tossed out radio columns and network radio publicity last spring at about the time Hearst's Times Union (morning) gave the heave-ho, has relented. NBC, CBS and WOR blue ink have been recently scattered about the news pages in filler spots. Even a photo of William Janney, in 'Howie Wing'—was carried last week on the page opposite that for program listings.

An NBC Toscanini story appeared in the theatre page.

Gannett paper has publicized political broadcasts. Such spiels were blacktyped in program logs.

The Times Union has not eased up its radio-publicity ban, although it made a news and editorial hullabaloo about 'War of the Worlds' broadcast. Incidentally, the paper revealed Mayor John Boyd Thacher wired a protest to FCC.

Record papers, Troy, which are toughest of all hereabouts on radio space-grabbing, apparently ignored the 'Mars' incident. That city's only dailies will, however, cooperate with the contemplated new station WTRY. They list WGY and WOKO but not WAEB programs.

Seattle Comment

Seattle, Nov. 8. Seattle Times, anent the Orson Welles program, intimated President Roosevelt might have had a hand in it with propaganda for armament. Caused no end of laughs here. Editorial stated:

'Getting the utilities ready for war adds an episode to the thrilling campaign serial. Radio was induced to add another with the Sunday portrayal of horrors which made thousands think war already here. No thoughtful American will scoff at the chances of international conflict in which the United States may be compelled to participate; no thoughtful American will decry proper measures of national defense. But this recent upsurge on the part of the New Deal administration cannot be accounted for by any immediate prospect of national peril. It is better accounted for by Mr. Farley's speech demanding another Congress pledged to do Mr. Roosevelt's bidding. Mr. Roosevelt's clam at Europe's dictators, the ultimatum to Japan, the plan to stimulate utility expansion, the radio scare of Sunday, might all have been deferred, without risk to the United States, until after next week's election. That they were timed for effect upon the American voter is almost rabidly obvious.'

Post Intelligencer Tuesday (1) opened up on radio as whole with this editorial blurb (in part):

'The juvenile lack of judgment, that did not find the original Welles novel dramatic enough, and insisted upon bringing it 'up to date' and playing upon war fears by transferring the scene to America, is proof enough of the first contention.'

'It is true that the producers undertook to make it plain at the outset and in interspersed announcements that the matter was fictional. But a public accustomed to turning a deaf ear to the advertising blurbs sandwiched in between music and comedy probably thought the announcer was trying to tell them about the merits of malted fruitcake or the evils of halitosis, and paid scant attention. And it goes many undoubtedly merely chanced upon the terroristic reports while idly twirling their dials.'

'There is probably no newspaper in America which does not have the experience, almost daily, of having to quiet fears or to correct misunderstandings which result from inaccurate, incomplete, misleading or misunderstood broadcast material.'

Star's Opposite Stance

Seattle Star took contrary stance as follows:

'We've heard that remarks from several sources today, as a result of last night's unfortunate coast-to-coast broadcast of "The War of the Worlds" which was so realistic that it caused near-panics in many cities and towns.'

'We disagree. Radio should not be censored. Freedom of the spoken word is as important a part of our national policy as is freedom of the printed word.'

'What radio SHOULD do is to establish a closer censorship within itself, choosing and editing programs more carefully, with consideration for the feelings of the audience as well as for the actor and his sponsor.'

'Many of the so-called "children's programs" have a similar effect on the juvenile mind that last night's "invasion" had on the adult mind. To children, many of those radio characters actually live.'

'Radio can keep away from outside censorship and can maintain popularity, if it will use good taste and common horse sense in the selection of the material it offers the nation.'

'Avoid Censorship'

Milwaukee, Nov. 8. H. V. Kaltenborn appeared as guest on Henle and His Grenadiers over WTMJ, during his visit to Milwaukee as speaker on the 'Town Hall' series. Kaltenborn is a native Milwaukeean. Kaltenborn praised Henle's 'genialiteit' ('cheerfulness') as a wholesome influence in a troubled world.

In discussing the recent Orson Welles' broadcast, Kaltenborn paid tribute to the dramatic genius of another Wisconsin-born man and took issue with those who would censor radio. He said, 'Keep it completely free to all of those who have ideas to express. It is one basis of a democratic government.'

Detroit Stations Blast

Detroit, Nov. 8. Orson Welles' dramatization last week over CBS gave local dailies plenty of fuel for another assault on radio as a news disseminator. All three local sheet scare-headed the broadcast and called for stricter regulation for radio. Stories were splashed with the usual number of (strictly unnamed) attempted suicides, etc.

Detroit News, which operates WWJ (NBC Red), branded the program 'NBC's Cruel Hoax' in a front-page editorial and called for more rigid control over 'dramatization capable of being misunderstood as fact,' but was quick to exonerate op-

Conservative Portland

Portland, Ore., Nov. 8. Large sign in the production office of KOIN is an aftermath of the Mercury Theatre's war scare over CBS. Sign reads: 'Never fear our listeners or say anything to shake their confidence in their station, KOIN.' Printed in big letters to catch the eye of producers and continuity writers every day and all day.

'There was little or no reaction in this calm and conservative town to the radio drama that sent so much of the east and L. A. into the jitters.'

posish WJR (local CBS outlet) of blame for network error.

Anti-radio Free Press sounded a clarion that radio be 'cleansed of its evil sensationalism,' and also lashed out at 'outrageous' kid programs. Times, Hearst sheet, was equally bitter in denouncing the broadcast. Program itself caused little flutter among listeners in this area.

Wilder Defends Rival

Syracuse, Nov. 8. Rivalries were forgotten in the furore caused by the Mercury theatre broadcast of the war with men from Mars. In a gesture for the good of the industry, Col. Harry C. Wilder, president of WSYR, came to the aid of his arch-rival, WFBL, Columbia outlet, with a public statement which went far towards quieting the commotion in this area.

Wilder, state director for the NAB, said in part:

'WFBL and other Columbia stations which carried the Wells drama could not be censured by any fair-minded person who regularly listens to radio dramas. . . Much of the fear came from word-of-mouth reports to those who did not hear the original.'

RESEARCH COMMITTEE WAITS ON FCC PROBE

Joint Committee on Radio Research has postponed the meeting it had slated for Nov. 18. It was to wait until the Federal Communications Commission's monopoly probe has gone along a ways before deciding on any further coverage surveys.

Committee figures that if the commission shows a disposition toward making reallocations of wavelengths it would be wasteful to undertake major coverage and listener-habit inquiries.

Murrow in Seattle

Seattle, Nov. 8. Edward R. Murrow, CBS foreign director, is in town. He is here, heard on KVI while here. Murrow's brother is highway commissioner of state.

CENSOR THREAT IN CANADA

McNinch Says 'We Can't Censor' In Reply to Bach Society Plea Saxophones Mutilate Classics

Washington, Nov. 8.

Indignant demands for suspension or revocation of the licenses of radio stations which swing classical music turned down last week by the Federal Communications Commission. Replying to a letter from Alfred L. Dennis, head of the Bach Society of New Jersey, Chairman Frank R. McNinch pointed out that power of censorship is 'expressly denied' to the Commission and program responsibility rests with station licensees. Outraged Bach fans should write to the transmitters which carried the offensive programs, McNinch suggested, since FCC is hardly in a position to ride herd on the manner in which musical adaptations should be handled.

Complaining that '... the country is being swept by a rage of playing classical and traditional songs over the radio in syncretized or 'swing' tempo', Bach Society press suggested that 'any station that violates the canon of decency by permitting the syncretizing of classics, particularly Bach music,' should have its license temporarily suspended for the first offense. Transmitter should be permanently gagged if the offense is repeated, he said.

Savage Saxophones

'Recently on two occasions we heard a jazz orchestra giving a rendition of Johann Sebastian Bach's "Toccata in D Minor," Dennis walked to the Commission. "All the beautiful fugue effects were destroyed by the savage slurring of the saxophones and the jungle discords of the clarinets. By no stretch of the imagination could such performances be tolerated except by people of no discrimination.'

Commission is 'appreciative' of the views expressed by Dennis, McNinch said in his reply, but—

'The responsibility of accepting or rejecting program material rests with the respective station licensees, who are charged with the duty of using a high degree of discrimination in the selection of material broadcast in the public interest.'

FCC chairman threw in a consoling phrase pointing out that evidence of the transmission of material contrary to the public interest is always considered by the Commission when the transmitter's renewal application comes up. Failed to indicate, however, whether adaptations of classical pieces into dance tunes for jitterbugs might be construed as not in the public interest, convenience or necessity.

London Calling

London, Oct. 30.

Athene Seyler, Nicholas Hannen and D. A. Clarke-Smith will take leading parts in a television version of 'The Breadwinner,' Somerset Maugham's suburban comedy, which will be performed in Alexandra Palace.

Lord Mayor's Show will be televised Nov. 9 from the west end of Northumberland avenue, where the procession returns from the Law Courts to the Guildhall.

Jack Hylton recalled during a broadcast that he and radio comic, Tommy Handley, were a double act on the halls back in 1921.

Lambeth Walk, street from which the song and dance was named, visited by BBC. Cockney Charles Garner conducted S. Joly de Lotbiniere through the lane.

D. G. Bridson, BBC North Region producer, shaping his third big scale documentary broadcast for Nov. 17. Has already tackled 'Cotton' and 'Wool,' now visits a Durham mining town for a 'Coal' program.

BBC's Sound Effects

London, Nov. 1.

New trick has been thought up by BBC for mixing effects records and guaranteeing exact timing. Formerly dept. relied on marking with soft colored pencils the groove in which the pickup needle should be dropped, then lowering the pickup by hand—which was a trick process.

Replacing this system is an electrical device operated from a central mixing panel, which automatically drops the pickups on pre-set grooves, as one disc is faded into another on the program. Main effects studio has two 'gram banks,' by means of which up to 11 discs can be played consecutively or mixed in any required order.

More and more atmosphere and effects recordings are constantly added to BBC library at a rate of 100 a year. When the recording van is not on more urgent duty, it passes an hour or two collecting diverse traffic sounds and typical noises. During the last four or five years the library has accumulated between 3,000 and 4,000 discs.

BEER, BEST BET IN CANADA, IS CLOUDED

Montreal, Nov. 8.

Fears of attempted Government retaliation through cancellation of sponsored beer programs over privately-owned stations were voiced here last week following refusal of Canadian Broadcasting Corp. advertising copy by La Presse, daily, operating a local station.

It is understood from official Government sources, however, that the Canadian Broadcasting Corp. is not contemplating any punitive action against stations merely because La Presse refused to permit use of advertising columns to exploit programs on the competing Government station.

It is reported, however, that complaints about beer programs are being received by the CBC continually, and that possible action regarding beer commercials would depend, entirely on whether outside pressure of sufficient importance is brought to bear on the Corporation.

CBC does not carry beer-sponsored programs over the Government stations. Brewery commercials, however, are considered the largest single source of revenue for privately-owned stations in the Province of Quebec.

La Nouvelliste, newspaper in Three Rivers, which owns and operates a radio station there, has also refused advertising copy from the Canadian Broadcasting Corp. during the past week.

Russ Titus on Ale Show

Montreal, Nov. 8.

Russ Titus will permanently replace Richard Manning as vocalist on the Black Horse Ale program, 'Tonight at Eight,' over station CFCF. Program has been renewed by sponsors for another 13 weeks.

Jim Ammann, manager of station CFCF (Queen's University-Whig Standard) at Kingston, Ont., giving Montreal C.O.

Harold Carson of Taylor, Pearson, Carson Ltd., operators of prairie radio network, in Regina, Sask., on business after a trip east.

DEAL TO 'CONTROL' ALL NEWS' PENDING

Publishers Irked by Czech Success—Would Stop Radio's Growing Importance in Canadian Affairs

ANGLES

By MORI KRUSHEN

Montreal, Nov. 8.

Ironclad state control and censorship of news for broadcasting, similar to that enforced in fascist countries, looms up in Canada as a result of a deal discussed by the Canadian Press, the Canadian Newspaper Publishers Association and the Canadian Broadcasting Corp. Far greater in its implications than the Padlock law, which is enforced only in the Province of Quebec and mostly in connection with alleged Communist activities, the proposal for Fascist control of news over radio would be nationwide in scope.

Might Boomerang

Although proposed by newspaper publishers, the threatened restriction of free expression through the medium of radio would, in the opinion of far-sighted publishers opposing the move, create a dangerous precedent, and could eventually be used as a lever to bring about Government control and censorship of newspapers also.

Should the proposed agreement between the Canadian Press and the Canadian Broadcasting Corp. be consummated, the Government would undertake to control not only straight news but news comment as well, and the principle of free speech may suffer the first major setback on the North American continent.

It is within the powers of the Canadian Broadcasting Corporation to regulate news on all Canadian radio stations; under the statute governing the CBC. It has been approached with a proposal to outlaw sponsored newscasts on the privately-owned stations as well as on its own network. In return the Canadian Press would furnish the Government with a news service for \$50,000 a year. Government would control and possibly ban news commentaries over the air also, and privately-owned stations would be permitted to use only the Canadian Press service and thus only those news stories which the Government would approve.

Lukewarm News

Canadian Press offers radio stations a deferred news service which has not been found suitable for listeners demanding last minute flashes on the rapidly shifting scenes of European politics. And should the Government ban Trans-Radio and British United Press services, Canadian listeners would still be able to get the lowdown on current events by tuning in on American stations. So that Canadian publishers would still be no better off.

One advertising agency, it is reported, pointed out to Canadian Press officials that they could get more than \$100,000 a year out of Canadian Press stations if they would furnish last minute news, instead of the deferred copy. This agency alone states it would give the Canadian Press about \$25,000 a year for use of news on various programs sponsored by clients.

Pressure from newspaper publishers on the Government to kill off radio news broadcasting has been brought about by the tremendous popular interest in radio resulting from the coverage of the crises preceding the Munich pact.

Publishers felt that, in addition to mauling in on fat national advertising accounts, radio was making inroads on their hitherto untouched news preserve. And because of the complete, dramatic and often quicker radio coverage on important developments such as the Czech affair, publishers fear new curtailment of their influence with the public.

Regina Board of Trade Brief Urges Private Hookups, More Power, Other Radio Changes

LINTON'S S. A. TOUR

Sales Rep to Take in Four Countries on Tour

Ray Linton, American radio station sales rep (formerly handled WMCA, N. Y., in Chicago), will sail Nov. 19 for a tour of South American countries. Will be gone four months, taking in Brazil, Argentina, Uruguay and Chile.

A possible fellow passenger on the same boat may be Fally Markus, who represents various South American stations and is due in Venezuela for a new studio opening.

'ONE-SIDED' TAUNT FLUNG AT BAXTER

Quebec, Nov. 8.

Most annoying headache confronting the Canadian Broadcasting Corp. currently is flood of complaints about the Beverly Baxter news commentary from London Friday nights. Its a commercial for General Motors of Canada.

Baxter, former Canadian newspaperman now sitting in the House of Commons in London, has been reflecting a strong pro-Chamberlain attitude which has caused widespread resentment in Canada.

While the pro-Chamberlain viewpoint undoubtedly has many adherents those in opposition have been condemning the CBC for permitting contentious and inflammatory political opinions to be carried over the Government network.

Another well-known newscast with Dr. Stewart was withdrawn from Canadian stations some time ago when similar agitation occurred. Baxter program is not heard in England, being piped in especially for the CBC net from London.

It is not believed that newspapers suffered any drop in circulation through radio coverage. But radio now steps up as another power in Canadian public affairs which newspaper publishers feel should be left entirely in their control.

However, not all members of the Canadian Press are in favor of Government control of news broadcasting as an alternative to the situation now prevailing. Not only publishers owning radio stations but others also are opposed to Government interference with currently unhampered dissemination of news from sources such as British United Press.

Tut-Tut Czech Coverage

In contrast to the generally favorable comment from newspapers in the United States on the handling of the Czech crisis by radio, Canadian newspapermen complain that radio emphasized and dramatized developments in such a manner as to create unwarranted panic among listeners.

In addition to the more important question of news censorship, a Government ban on sponsored news broadcasts would be another nail in the coffin of privately-owned radio stations, since it would remove one of the large sources of revenue from many stations.

Some broadcasters believe that if the Canadian Broadcasting Corp. approves the plan for news control it would be taken as a definite indication that the Government, despite frequent protests to the contrary, is intent upon removing, piecemeal, every source of revenue available to privately-owned stations so that these stations will fold up.

Regina, Sask., Nov. 8.

Alteration of present Canadian broadcasting regulations to permit private stations to operate high power transmitters and form regional and national networks, situations not now permitted, is asked by Regina Board of Trade in its brief for submission to Canadian Chamber of Commerce.

Latter body plans to review whole radio bill and then present brief to federal government.

Reginians also favored more and better news broadcasts, complaining present Canadian Press arrangements are 'too sketchy.' Also wants judicial body independent of Canadian Broadcasting Corp. to handle all network, etc., details owing to fact CBC now in competition with private stations. Decentralization of program origin, issuance of licenses to small stations in unserved areas, and strict adherence to commercial announcements being only 10% of program also advocated.

Radio body also delt tax on new tubes should replace present system of straight licenses on sets.

Europe-Canada Vague

Montreal, Nov. 8.

Broadcasting between Europe and Canada of exchange programs on a regular schedule may be indefinitely postponed due to technical difficulties which have yet to be overcome. There is also the matter of arranging for suitable programs. Typical Canadian programs, from accounts, might not make sense to European listeners and special productions would possibly be necessary.

In the same way only a strictly limited number of French or Italian radio shows would be of any interest to Canadian listeners.

Following a survey of broadcasting conditions in Europe, Jean Marie Beaudet, recently upped general director of music for the Canadian Broadcasting Corporation, found little in European broadcasting which would be applicable here. Canadian broadcasting follows American lines more closely than any other, and while production may be modified slightly, it is considered doubtful whether the European methods of timing would be satisfactory here.

LUX SHOW IN FRENCH

Montreal, Nov. 8.

French-language show for Lux Soap and Lux Flakes, produced by Paul L'Anglais and Ivan Tyler, has been okayed and is scheduled to go over a French regional network starting around Dec. 1.

New Lux commercial, half-hour show once weekly, 'C'est La Vie' (That's the Life), will have Jeanne Maubourg in the lead.

No decision yet as to whether the program will go over the Government's regional French network or on the private net.

J. H. Thompson Dies

Montreal, Nov. 8.

J. H. Thompson, 54, outstanding Canadian radio engineer, died here at his home on Oct. 29.

Thompson was chief engineer for Canadian Marconi since 1922.

F. Weeding, acting publicity director for the Canadian Broadcasting Corp. at Ottawa has resigned. Taking six months leave of absence due to illness.

BOX-OFFICE

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

R. B. WHITE
PRESIDENT

NEWCOMB LARLTON
CHAIRMAN OF THE BOARD

J. C. WILLEVER
FIRST VICE-PRESIDENT

NX200 28 NL=INDIANAPOLIS IND OCT 19

Time of receipt is STAN

PHIL BLOOM, MUSIC CORP OF AMERICA=

745 FIFTH AVE NEWYORK NY=

IN ANSWER TO YOUR INQUIRY ABOUT BUSINESS
HAPPY TO SAY ITS STANDING ROOM ONLY AND
WE'LL GO WAY ABOVE GUARANTEE STOP SPITALNY

IS DOING A SWELL JOB REGARDS=

CHARLES M OLSON LYRIC THEATRE.

PHIL SPITALNY AND ALL GIRL 8-11 HOUR

WEAT
9 to 9:30

RIVERSIDE THEATRE

DIRECTION OF
ED. J. WEISFELDT
MILWAUKEE, WIS.

Thursday, October 27, 1938

Mr. Phil Spitalny,
Riverside Theatre,
Milwaukee, Wisconsin

Dear Mr. Spitalny:

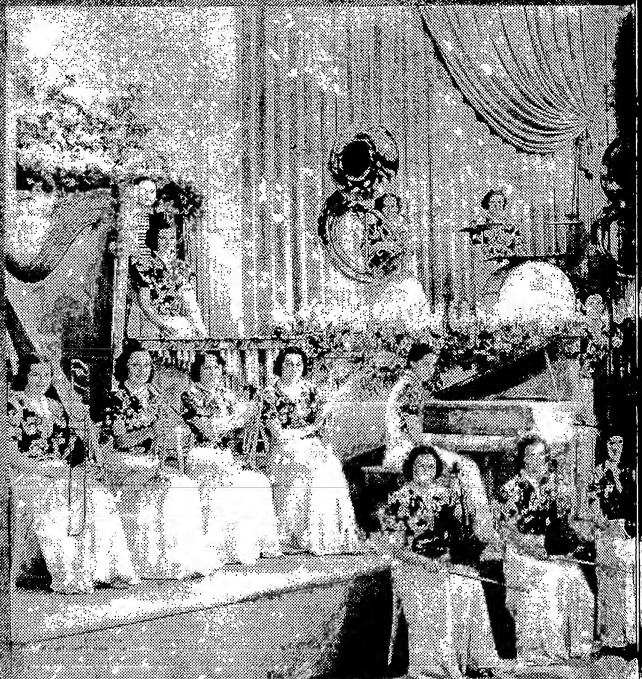
Attached is a check for [REDACTED] covering your share for the current engagement. I am sincerely happy that you exceeded the split figure by such a substantial amount.

The "HOUR OF CHARM" is one of the outstanding stage attractions I have ever played. It would have done you proud to hear the enthusiastic comments of hundreds of our patrons. Surely such favorable impressions must be lasting.

Please accept my thanks for your genuine effort and cooperation.

Cordially, *E. J. Weisfeldt*

Ed. J. Weisfeldt.



REFLECTIONS

SPITALNY ORCHESTRA CHARM

NIGHT
CAST



Never before in the history of the FOX THEATRE has such enthusiastic acclaim and applause greeted a musical organization. That's why



PHIL SPITALNY'S World-Famous ALL-GIRL ORCHESTRA



is tops... and we
are proud to pre-
sent them

DAVID M. IDZAL,
Managing Director Fox Theatre

ON THE SCREEN:
The Dionne Quintuplets
in Their Newest and Best Picture
"FIVE OF A KIND"

Featuring
MAXINE
and Her
Velvety Haunting Voice,

★
EVELYN
and Her Magic Viol

★
**GINGER
HARMAN**
America's No. 1 Jitterbug

★
**Three Little
Words**
Sensational Song Tri

★
**ROCHELLE
and LOLA**
at the Two Grand Pianos

★
Phil Spitalny's
famous
GLEE CLUB

★
SEE and HEAR Phil Spitalny's
General Electric Hour of
Charm Network Radio Broad-
cast on Our Stage at 9 P. M.
Monday. No Advance in Prices

FOX
Showplace of Detroit

Reprinted from the Detroit News,
Saturday, October 24, 1938

JAMES J. WALKER
With George Jessel, Sheila Barrett,
Mary Jane Walsh, Dave Apollon,
Sid Gary, Lee Grant Orchestra
60 Mins.—Regional
MODERN INDUSTRIAL BANK
Sunday, 2 p. m.
WMCA, New York
(Metropolitan)

This is the debut in radio of the former mayor of New York, Jimmy Walker. It is the first materialization out of a series of tentative proposals. Other ideas did not jell and this one went on only semi-commercial. The time is paid for by a loan bank, which refrains from any selling save the plain announcement that it finances the wire and time costs. Walker, as well as his guest performers, are presently on the cuff.

Program bears the caption Jimmy Walker's "Radio Hour" and is premised upon a weekly trip to various civic and private institutions, mostly hospitals. For the getaway, Bellevue was chosen. Spontaneous approval of the present Mayor, La Guardia, makes possible this attempt by Walker to experimentally seek a niche for himself in commercial broadcasting.

Here and there Walker himself, or George Jessel, gagged about Walker's formerly celebrated knack for being late. Otherwise the approach was quite serious-minded. Indeed, perhaps a little too lugubrious to quite fit the personality of Walker. However, it was no doubt a conscious decision to eschew any flippancy. Rather, its humanity and suffering that keynote. Walker becomes the voice of sweetness and light. And that's not in line with a facetious approach.

Always a glitzy talker, Walker handled himself well on the opening program. Subject only to the qualifying thought that he was doing a Major Bowes and he wasn't precisely like that when he came from the projected warmth and sincerity and his announcements were, in the main, gracious and well-worded. Opening gag was that—gaggy. But perhaps necessary for the first time out.

For WMCA and for the line-paying loan org. it was a de luxe show at no cost. Jessel kibitzed in his characteristic and had nice material. Sheila Barrett sampled some of her standard items for diverting results. Dave Apollon got hot on the mandolin. Lee Grant's orchestra fang out a ditty and Sid Gary threw in a vocal chip. Whole show was musically held up by Lee Grant's WMCA boys. Broadcast was from Bellevue itself.

Walker, perhaps, was most appealing when handling interviews with various patients, most of them youngsters. Of course the program praised the medical staff and nurses without stint. That's the publicity payoff for the co-operation. Program was laid out sensibly and, except for a few technical lagging pauses, held to a steady pace. It should find followers Sunday afternoon on the sheer curiosity angle, plus the guest stars. And as a program for Walker, it was a half hearted, politically neutral. One ad lib was awkwardly born starting, however, and that sort of thing will undoubtedly be rigorously edited hereafter.

Jimmy Walker's "Radio Hour" is a distinctly superior local station offering. (For its second half hour, other inter-city stations hook on to WMCA.)

Land.

MATTERS OF MODERN MARRIAGE

With Taylor Grant
15 Mins.—Local
PACAWAY BAKING CO.
Tu-Fri, 11:15 a. m.
WKAR, Philly.

New show attempts to take on psychological, sociological and educational turn by interviewing couples who are about to be married, couples who were recently married and couples who have been married a number of years. About-to-be-marrieds are quizzed by Taylor Grant on plans for the future, problems which are asked their parents and how it is proposed to solve them. Newlyweds are questioned concerning the adjustments necessary, while the oldsters are asked their recipe for successful marriage.

Grant is still in the experimental stage with the series. He handles it in a dignified and serious manner, lending some smart touches of humor to lighten it and has a pleasant manner of delivery himself. He errs in some respects, however. First, in trying to get three sets of interviews in one half-hour show. With the necessary commercials that leaves far too little time to go deeply enough into the real problems of modern marriage. Questioning becomes superficially more than name, address, occupation and where and how the couple met. Needs deeper digging. One carefully selected couple, a broadcast out, at the most, two would be plenty.

Errs, too, in not writing out his questions before seeing the couples. By talking to them first, Grant could mold his questions to their particularly interesting points and prevent a tendency to repetition of the same type questions.

Baking company gives participants a cake as a reward. Herb.

SOPHIE TUCKER
Songs, Band
15 Mins.
ROI-TAN CIGAR
M-F, 7-8 p. m.
WEBB, Chicago
(Lord & Thomas)

Sophie Tucker back to radio with outstanding show. Her last series was on WLS, New York. This one skips New York, but is otherwise coast-to-coast.

Miss Tucker sings popular songs as she sings with solid delivery and personality that scores each tune. For topper on initial program she repeats with "Your Broadway and Mine" number from picture. Full 15 minutes of big-time entertainment, with Miss Tucker overcoming many obstacles with which she is unfairly burdened.

In first place, hitting midwest at 5:45 gets her right in middle of children's hour, when practically only kids are listening, and if she can build an audience in this spot she will in due time demonstrate great drawing power.

House band needs plenty of work with Miss Tucker to learn each other's style, could be softened down. Star is unfairly called upon to plug 5c. Roi-Tan cigar too much. All right to ask her to mention it once or twice, but not constantly with show. Is daily Chevrolet giveaway merchandising hookup.

TANDY ELLIS
Songs, Band
15 Mins.—Local
Sustaining
Wednesday, 6 p. m.
WLAS, Louisville

Stanza opened with her is that 15-minute story brings to the air waves the story telling ability of Tandy Ellis, who in past years served as Adjutant-General of the Commonwealth of Kentucky, and regaled audiences all over this and other states with his negro dialect stories. Ellis gathered his material at first-hand, from negroes in their natural surroundings and his material has the tang of originality, which makes his story telling interesting. Her's sort of an Alexander Woolcott under cover.

Stanza opened with organ music, with Ellis introduced as a story-telling character. He then launches into a dialectic dissertation with voice changes and hand-drawn smoochy. Negro lingo differs from most comics on the air, in that it is authentic, and not based on the usual minstrel show type of dialect.

BRUSH COUNTRY FOLLIES
With Tex Owens, Bud and Spud,
Laura Lee and the Prairie Pioneers
Hiram Higby and Don O'Brien
30 Mins.—Local
Sustaining
Sat., 7:30 p. m.
KMBC, St. Louis

Studio produced show which devoted last season to developing both a following and talent resumed last season for the winter season. Show is visual as well as auditory and is staged in the Ivanhoe Temple (seating capacity, 1,800) at rate of two-bits per head.

Program reflects into one unit various hillbilly and cowboy acts of KMBC. Shows them in two half hour stanzas, first a direct broadcast and then a recording which is broadcast at a lower and a half rate. Being offered for sale in two half hour sprints.

Job of m.c. goes to Hiram Higby who also is in for a harmonica solo. Tex Owens, singing cowboy, is locally big stuff. His style is less of the straight singing and more of the novelty and banter ditty. Owens has carried himself satisfactorily as guest on various occasional network shows originating here, and warbles his own 15-min, daily, sponsored show.

Talent also includes Bud and Spud, strictly hillbilly with their banjo and guitar, who lead all station performers in fan mail; Laura Lee (Owens' daughter) and the Prairie Pioneers, singing ensemble; The Texas Rangers, singing and instrumental ensemble; Manny Roy, juve warbler, and the Eight Barn Dancers.

It's given a slight prior setting, but is so corny it could be presented in a crib.

PHIL COOK'S ALMANAC
Comedy, Singing
45 Mins.—Local
Sustaining
Daily, 7:00 a. m.
WABC, New York

"Col." Phil Cook has worked for nearly every sponsor and every station—he's been in radio that long since existing vaude. Now he is doing a light morning setting of time chimes stint on local basis for CBS' WABC. Has returned to his original role of impersonating flock of crows, singing, gagging and clowning.

Follow-Up Comment

Dave Rubinoff returned to radio on the Benny Goodman swingola for a week. He gave out sweet and straight after a dialog exchange with Dan Seymour, expressing uncertainty how anything melodic would go down with the swingola. Rubinoff, with a genuine sentimentality value because of Rubinoff's struggle against sickness, was a neat trick. Rubinoff, in his spoken lines, still showed some echoes of the hard siege he's been through.

Incidentally, Dan Seymour has a voice that's easy to like; it's warm and friendly and notably free of the smarmy overtones that damn so many announcers.

Unsatisfying portion of Kate Smith's hour last week was mangled presentation of scenes from "The Young in Heart," Selznick-Entertainment production current at New York's Music Hall. Douglas Fairbanks, Jr., was the star. Number from film. Was no excuse for material was not well edited and projection of it into the microphone was dark and seemed no inducement for anybody to see the film.

Fairbanks, billed as having been pushed in ahead of Helen Menken because he was sailing for Europe the next day, spoke with what sounded suspiciously like an affected English accent, gave an indifferent reading. Girl whom Fairbanks is shown in love spoke with good Americanese.

Remainder of show clicked smoothly. Of some songs, Miss Smith put over solidly. "While a Cigarette Was Burning" and "Sweet Variety" were highlights. "Aldrich Family," skit featuring Ezra Stone, and "The Great Gatsby" by Costello, ex-vaudeville-burlesque comedy team, again scored a laugh smash. Al Donahue guested with a main number. Jack Miller and band and chorus formed usual tuneful background.

Orson Welles' "Mars Panic" episode provoked little field for gags during the course of last week. Some-how the comic scribbles managed to get their Wellesian puns and two-line quips past the censor, maybe the censors figured it was better to take the whole thing in a light vein than to throw a pall of seriousness over an already serio-comic affair.

Most pointed of the gags was on the Texaco program (31) with during a burlesque on "Uncle Tom's Cabin" somebody said something about "old Mars." Gag relinger by Ned Sparks, Texas Rangers, "better leave Mars out of this; we had enough trouble with Mars last Sunday night."

Eddie Cantor's Camel program (7) on CBS outdid the swinging of the classics trend by completely burlesquing and to serious music-lovers perhaps "practical" tale of the voice of Giovanni Martelli. Spectacular Met singer stooging for comic and then singing "Dinah" must have gagged some listeners. It's something to do the song with a guest, but perhaps something else, as in this instance. Worst of all, it was unfunny as well as hard on the ears.

At last, Eddie Cantor's Martelli stated fun must not be poked at singing—it's sacred? In addition to three regular blurs, speller got in a rapid-fire plug while Martelli held a high note for 30 seconds. It was supposed to be cute.

'GERMAN HOUR'
With Charles Silverson
Orchestra, Chorus
10 Mins.—Local
ROCHESTER AEROPORT
Thurs., 7:30 p. m.
WHAM, Rochester

This is music intended especially to give German listeners nostalgic recollection of their homeland. Program includes selection from German composers, waltzes, folk melodies and the works of the great masters.

Guest chorus was the Teutonia Liedertaler, a 50-voice male group, singing "Mir Traume und Liebesgedanken." It sang with gusto and feeling as these songs should be sung. Herman Genhart directed.

Charles Silverson, WHAM music director, conducted the symphony orchestra. Hour is one of the locally produced musical highlights in which WHAM excels.

'IN THE CLASSROOM'
Education
15 Mins.—Local
Sustaining
Twice Weekly
WFEL, Syracuse

Youngsters brought to kindergarten age, participate in this series. Scripts are written and directed by teacher of selected class and rehearsed before dead mike in their home room. Show conceals details of classroom work. Different class appears on each show, but scripts are uniformly well written and directed. Youngsters play up swell.

BEBE DANIELS
With Francis de Wolf, Mary O'Farrell, Bruce Carfax, Howard Wilson-Gordon, William Wilson, Murray Monnier and Vernon Harris
Friday, 8 p. m.
BBC, London

If ICB isn't careful, this "What Happened at 8:20?" idea is likely to die on its hands. Is based on a neat gag—having an entertainment show suddenly interrupted at 8:20 by some military happening, then taking time to solve it. It's not just two attempts aired suggest quality of first part is too low to hold the ear until the drama steps in. In this respect, second was worse than the first.

Scene was a private dinner party prior to a film premier, with Bebe Daniels as the star. Lot of idle chatter at the table. Miss Daniels sings a couple of numbers straight, followed by Bruce Carfax. Then more backchat, then the Jewish American producer is kidded into singing a hillbilly. This brings up thought of how the comedy happened, and that's the most commendable part of the program, for at 8:20 to the second there's a gasp.

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JACK HYLTON
With Brian Michie, Tommy Handley, Peggy Dell, Bruce Trent, June Sargent and Primrose
Saturday
BBC, London

A good show that scores on account of not hanging around between turns. Hylton's combination is the best show bands in the business, and is loaded with it'll play straight or hot, though actually at its best when sending the sweeter stuff. There's a slick showman's touch to the program when it switches quickly from swing to comedy crossstalk, then going into a symphonic number or a tonsil act from one of his big gang of person-alities.

Brian Michie shares the gagging with Tommy Handley, old-time of broadcast comicking. There was 40 minutes of it. Bright and light.

BEATRICE LILLIE
In "Monday Night At Seven," with Beryl Orton, Ltd. Millward Band.
BBC, London

Playing radio safely on its autumn program, BBC is re-issuing shows which caught popular fancy last year. "Monday Night At Seven" is one of 'em. It's a potpourri of songs, gags and a little comedy. It's in the heart of John Watt, Corp's variety director, and gets over mainly on account of slick presentation.

See Lillie doesn't broadcast here as often as many of the customers would like; maybe it's because she isn't bothered about conventions and hasn't any snob complex about institutions for which the average Britisher has respect and when they let her loose at the mike it's like a breath of fresh air, and listeners who expect to hear something outrageous and a little don't have to wait long. You gotta have real personality to get away with that sort of material on the BBC!

"Monday Night At Seven" was a gal called Beryl Orton of the mimes and very well liked, too. She does a competent job, and this time pulled a fast one by giving a rich impression of a riotous London dinner impression of a meeting between Katie Hepburn and Elisabeth Bergner. It was neat and cleverly done.

Ltd. Millward's Band as well added lustre to the show, with a snappy and crazy rhythm program, which brought some disrespect to bear on the great old songs—with surefire entertaining results.

LANG THOMPSON ORCH.
Lang Knapp
Sustaining
30 Mins.
Daily, 11:30 p. m.
WGN, Chicago

Playing at the Bon Air Country Club, the orchestra indicates makings. Thompson has hit upon an identifying theme tune that runs through all song arrangements, and adds a touch of class to her ladder on which this orchestra will climb.

Thompson's orchestra hasn't a standard style, but the method of introducing each tune is a novelty twist that figures to click. With all orchestras popping around in a wild hunt for novelty stunts to identify themselves, Thompson's figure rates as a string of good fortune, for it immediately stamps the orchestra in the listeners' minds. It gives the orchestra that little extra something.

Orchestra leans towards the sweet and smooth, veering sharply away from drugs and swing. Margie Knapp is a clean-cut vocalist, her pipes coming through in pleasant manner.

RADCLIFFE HALL
News
15 Mins.—Local
SWEETHEART SOAP
Sunday, 11:45 a. m.
WGZ, Schenectady
(Franking Truck)

First local attempt to merchandise soap via a news broadcast. Although women listeners are targets for skin-beauty sales talks, program does not touch on the subject of slanting of copy. Some observers might think this would be an ideal spot for a femme miker, especially with "Sweetheart Reporter" tag used. Apparently the soap is a mixed audience which will stay for a 15-minute tabbing of Sunday soap developments and filler-feature.

Nothing startling in material on two short hours. Some of the copy actually was a reshuffle of stuff which had appeared in Sunday morning or weekly papers. One different angle was coverage; a resume of Sabbath day coroner's report on foreign affairs in London and continental-city papers. None of spot news developments were in WGZ's territory. In fact, only local news, and that a rewrite was about a piece of George Washington destroyed in the Troy City Hall fire. Bringing the picture closer to home would help. Political news is a little better, touches, even earned.

Editing seemed faulty in at least one instance: reference to a broadcast a federal official would make several hours after to had covered the same event. Halk's miking is competent. He smoothly weaves in two plugs. Advertising is fairly restrained, as local commercials run. Jaco.

'LAMPLIGHTING TIME'
Organ and Violin
15 Mins.—Local
Monday, Friday, 7 p. m.
WHCC, Rochester

A pleasing contrast to swing and hot tunes, this program, as the name indicates, is in use by travel agencies of a thoughtful mood. Music is played softly and includes melodies and old-time favorites such as Old Kentucky comedy. Interspersed are several able jobs of keeping with the spirit of the program by Announcer Harry LeBrun. Listeners are invited to send in their favorite tunes.

Organ and violin combine to set the mood for the program with the strings giving the needed plaintive quality. This 15-minute interlude is a pleasant musical variety over this station.

MUSICAL MEMORY CONTEST
With Irving Berlin
15 Mins.—Local
ROYAL TYPEWRITER
Wednesday, 8:30 p. m.
WQXR, New York
(Buchanan)

Local station's version of the Sammy Kaye quiz game classical has gotten itself an angel. Has also changed composers, Norman McKay formerly handling. Newcomer Derwent does a able job of semi-humorously and dexterously handling a music i. q.

Studio audience answers queries on composers, compositions, types of music, construction, instruments, biographical matter, identification of works from few bars played on piano, etc., with prizes for winners. Derwent leaves little to lighter things—smart move.

Aimed for the intellectual and musical audience station reaches. Taken by Royal to plug its portable outfit that is in use by traveling musicians, writers and other artisans and braintrusts to whom show should be appealing.

WQXR sponsor (through announcer, William Strauss) dish out heavily on plugs. Got in opening break, a smart crack later on in show and a windy session on half-way through. Even musical wordspelling couldn't overcome length of spiel. Operators used to frown on such things in radio. They've been bitten by the Gold Bug.

'CITY OF BROKEN MEN'
With Bishop of Munson
45 Mins.—Local
Sustaining
Saturday, 4:30 p. m.
WNYC, New York

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FCC FRIGHT WIGS UP

M'NINCH WHETS TOMAHAWK AGAIN

Latest Scurry Centers Around Chief Examiner Arnold, Who Just Recently Escaped Chairman's Displeasure

MORALE DOWN

Washington, Nov. 8. Resumption of the FCC personnel purge was attempted and quickly dropped last week when Chairman Frank R. McNinch discovered he could not corral sufficient votes to throw out Davis G. Arnold, chief examiner, or to make other Commish evidence-takers walk the plank. Cessation of hostilities is believed

McNinch Denial Denied

Washington, Nov. 8. Complete refutation of FCC Chairman Frank R. McNinch's denial he attempted to oust Chief Examiner Davis G. Arnold is an official memorandum to the Commission as follows: "On Nov. 2, the Chairman advised me that it was his desire as well as the desire of the Commission that my services be terminated as soon as possible. I respectfully request before the Commission acts upon this matter I be given an opportunity to appear before the Commission. 'Respectfully submitted, Davis G. Arnold, Chief Examiner.'

only temporary, however, with another effort to continue the headlopping expected this week.

Attempted booting of Arnold, a 17-year government career man, was a definite, although perhaps temporary, failure, as the Commish head was defied to file formal charges which would justify his demands for resignation. Fortified by civil service statutes, Arnold rejected an offer of another job, at materially smaller salary, and decided to take the chance that a majority of the Commish would run out on McNinch.

Chairman, who declined to comment when reached by reporters, apparently could line up only one supporter, Judge Eugene O. Sykes, to back his scheme. Pressure was being applied, however, to Commissioners Thad H. Brown and Paul A. Walker.

Attempted ouster was a complete surprise to Commish members, since McNinch recently assured Arnold he

need have no fear about continuing at the head of the trial staff. Originally Arnold was number two on the list of individuals whom the Chairman desired to remove, but after what associates said was a heated conversation McNinch reputedly backed down. Latest attempt to annihilate the chief examiner is attributed to McNinch's resentment at disclosure that Arnold told colleagues how he escaped the axe.

Speculation

Abolition of the job of chief examiner is thought to be McNinch's next move, although it is doubtful he will be any more successful in this maneuver. Also gossiped that the Chairman will try to abolish the entire examining division, either by having members of the law depart-

ment preside over hearings or by filing formal charges. Names of several evidence-takers have been mentioned in discussion of suspected victims, with Melvin H. Dalberg, John A. Bramhall, and P. W. Seward considered most likely to go if the purge effort succeeds.

Reason why McNinch wants Arnold's scalp is obscure, although general explanation is the Chairman feels incompetency on the part of examiners cannot be remedied until the chief goes.

McNinch Denies

While McNinch denied he has called upon Arnold to resign, other Commish sources said the chairman had arranged with Veterans' Administration officials to take the chief examiner back into the organization

he left when the FCC was created. Substantiation was provided in gossip around the Vets' building that Arnold soon would return, although he would be forced to take a \$40-a-week slash in pay. Whispered that Arnold at first asked McNinch to hold the fire until he could scout for another and more remunerative post, but the chairman would not allow any leeway. Then Arnold stiffened and, with the backing of at least one member of the Commish, challenged the chairman to put the matter to a vote.

Credit for blocking the Chairman's move was given Commissioner Norman S. Case. After being absent for several weeks on account of severe illness, he returned to the office unexpectedly on the day Mc-

Ninch supposedly was going to put the proposition to a vote. Although he denied his presence was due to his close personal friendship with Arnold, Case conferred with several colleagues and readied for a fight.

Revival of the purge idea threw FCC employees into new panic and started another flood of rumors. One which was denied on all sides had McNinch sending the Civil Service Commission another letter demanding freedom to heave out numerous subordinates he dislikes. Another was that abolition of the press section will be attempted soon, a move to get rid of G. Franklin Wisner, who has been with the Commish since its creation and was publicity man for the old Radio Commission from the start.



"COVERED!"

A WLW Special Event pickup is front page news in most middle western cities. From sports to speeches, and Fairs to Federations... WLW's alert Special Features Department brings listeners thrilling... interesting... exciting programs... programs listened to attentively... shows which not only build audiences but definitely contribute to a greater understanding and appreciation of life in WLW land.

Important things happen in WLW land... and every second WLW's Special Features Department watches the ever-changing picture... prepared to portray it truthfully.

These things, too, we think, are part of the story of

WLW, The NATION'S STATION

SALT LAKE CITY

Yields Good Sales Crops

PARTICULARLY FOR ADVERTISERS USING

The POPULAR STATION

KOYL

SALT LAKE CITY
Representative:
John Blair & Co.



Picard Widens Lead In Kenwood

MORE POINTS
You By Facetter

TO MARKET!
Through On Way
From All Parts of Ohio
To Hear President

NET MATCHES
Are To Open Today
With Week Singles Play
In To State Meet

FOUR REDS T
OUR VANDY,
Storm Lashes Ocean
Off Coast Of Florida;
Small Craft Warned

Backed By Ernie,
To Be Opening Battery
For Natti Jals

Ohio State Fair Opens Today
Record Crowd Is Expected

GOING HIGH UP IN AIR, THEN

Lefty GOMEZ

WOUNDED

WOUNDED

WOUNDED

WOUNDED

WOUNDED

AFRA Expects 50 at St. Louis Convention; One Big Union Question Due for Threshing

First national convention of the American Federation of Radio Artists, to be held next Monday and Tuesday (14-15) at the Park Plaza hotel, St. Louis, will mostly take the form of an executive committee session. Maximum of about 50 persons is expected to attend. Thought likely all the business will be wound up in the scheduled two days, but if necessary a few committees may remain an extra day to complete work.

Among the outstanding topics on the agenda are a proposal for the consolidation of the administrative setups of AFRA with the Screen Actors Guild, Equity and the American Guild of Musical Artists, the question of group insurance for radio performers, possible support of the Daniel Tobin resolution for peace between the American Federation of Labor and the CIO, the proposed wage scale for commercial programs, as well as general matters of finance, organizing, expansion and future plans for co-operation with other show business unions.

'One Big Union'

Matter of proposed consolidation of the administrations of AFRA, SAG, Equity and AGMA will revive the agitation of last spring for 'one big union' of the Associated Actors and Artists of America. Form of the move would be a proposal to each the other involved unions to consider the idea. In that connection it is pointed out that SAG, Equity and AGMA were the sponsors of AFRA at the time of its formation and each loaned the radio union \$10,000 as a war chest for its organizing campaign. Amounts have since been increased.

Problem of group insurance for radio performers will be discussed and studied, with the idea of a decision some time later. Possibility of supporting Tobin fight within the

AFRA to bring about peace with the CIO is viewed as important to AFRA because there are several unions of different affiliation in the radio field. International Brotherhood of Electrical Workers is AFL, American Communications Assn. is CIO, while the American Broadcast Technicians and the American Guild of Radio Announcers and Producers are both unaffiliated.

Convention will hear Mrs. Emily Holt's annual report as national executive-secretary, George Heller's report as national treasurer and reports from the various locals. Alan Corelli, New York Theatre Authority head, will address the convention with a proposal that his organization work through the various local AFRA offices in cities where it is not now represented.

New York chapter is sending four delegates to the convention. It is entitled: to 28 representatives, but the four will carry proxies of the others. Those going include Robert Waldrop, Ted De Corsia, Alex McKee and John Pickard. Chicago is sending an undetermined number of delegates, Los Angeles, San Francisco and St. Louis are each sending three, while Detroit, Cincinnati, Denver, Racine and various other locals are sending one apiece. Others who will attend include Henry Jaffe, attorney for AFRA, as well as for SAG and AGMA; Paul Turner, attorney for Equity and the Four A's, and Florence Marston, eastern representative of SAG.

Rambeau Reps WIND

Chicago, Nov. 8.

Ralph Atlas has turned over eastern representation on national spot biz for WIND here to the Bill Rambeau outfit.

Rambeau has also been appointed sales rep. for KITE, Kansas City and WOL, Washington.

MAKE SLUMS SERIES

Federal Radio Division Cuts Propaganda Series

Federal Theatre Radio Division players were assigned to the task of cutting discs dramatizing the housing situation last week. Platters are to be sent to small radio stations and civic organizations in an effort to hypo lagging legislative bodies into accepting the government's offer to underwrite 90% of the cost of slum clearance. The remaining 10% to be assumed by local and state govt. Tagged 'Slums Cost You Money,' disced stories depicting the danger of slums are originals by Leo Fontaine, writer of the FTRD's 'Epic of America' series.

Rosenblatt In On Whiteman-WNEW, Coming Up Soon

Trial of the first test case in New York involving the broadcasting of phonograph records is slated to start in the Federal court in three weeks. WNEW, the defendant, has substituted Sol A. Rosenblatt as trial counsel, while Maurice Speiser, general counsel for the National Association of Performing Artists, will represent Paul Whiteman, in whose name the action was brought.

RCA Victor, which made the record cited, is an intervenor in the injunction proceedings, contending that if there are any property rights accruing from a performance on the air the recording company and not the artist is the owner of such. David MacKay will do the sparring in court for Victor.

Speiser has advised contending counsel that he intends to consume three weeks with the presentation of his side of the case.

Sid Zelinka and Arthur Stander to Chicago to take over scripting chore on Wrigley's 'Laugh Liner' from Hugh Wedlock and Howard Snyder.

AFRA Decides Agencies Stalled 'Em

American Federation of Radio Artists will probably attempt to reach agreements with the advertising agencies for wage scales for sponsored programs shortly after next week's national convention in St. Louis. Figured the union will first get the convention's approval of the proposed salary card. Actually, such approval would take the form of discussion and suggestion, since the matter of the wage scale is strictly the province of the national board.

Having gained the membership support for its stand, however, there is no clear indication of what the AFRA tactics will be. Union has been negotiating with a committee representing the American Assn. of Advertising Agencies for nearly a year, but has made little progress. Moreover, representative agency men have lately been quoted as confident they have the union stymied. However, AFRA execs are equally confident that they can force the agencies into line and are determined to have a showdown soon after the convention, now that they are certain the AAAA committee is merely stalling.

Admen's stand on the matter is reported to be that the agencies are merely go-between in all contracts for commercial programs and, as such, they are unauthorized to sign any deals for the sponsors. Believed the union will try to force them to sign wage scale agreements regardless. Exactly how this could be done isn't clear.

One thing appears certain, however. That is that AFRA has about given up the idea of reaching an agreement through negotiations with the AAAA committee and is contemplating definite action along some other line.

WOR'S ELECTION COIN

Democrats Spent \$15,460 to \$7,180 For Republicans

Only major New York station which could tell yesterday (Tuesday) what it had derived in billings from the election campaign was WOR.

Figures given by WOR were \$15,460 from the Democrats and \$7,180 from the Republicans.

Corn Stripped On Air

Wichita, Nov. 8.

Station KFH died in with the annual Kansas Corn Husking Contest held on a farm 25 miles out of town. Station, with its short-wave outlet, W9XUO, was on the air three times during the day.

On hand at the husking bee was 'The Old Trader,' who is a regular program item on the KFH schedule. 'Trader' is regularly exploited at public gatherings throughout this territory.

SHEPARD GETS FCC DELAY

Washington, Nov. 8.

Definite decision whether to hold a hearing on the right of station owners to use their facilities for advancement of their own views was ducked last week when the FCC indefinitely postponed trial of WNAC and WAAB, Boston, on conglomeration of program complaints. Hot issue was sidestepped by adopting a law department memorandum pleading need for more time to go into ramifications of the case against the Shepard transmitters.

Motion to renew the tickets without hearing, involving reconsideration of the hearing order, carried to a show-down, although one member, Commissioner T. A. M. Craven, objected to further stalling.

In Oklahoma, WKY Sells This

eternal triangle



WKY • OKLAHOMA CITY

REPRESENTATIVE—THE KATZ AGENCY, INC.

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING COMPANY

*'Radio sold so much of
our silverware because*

*... it tells a better story in
a shorter space of time*

*... it paints a more allur-
ing picture**

*... and gains a more ap-
preciative audience'...*

*... wrote the INTERNATIONAL
SILVER COMPANY to CBS at the
conclusion of its first thirteen weeks
on the Columbia Network.*



**Would you like to know more about radio's dramatic ability to sell a "visual" product like silverware? The answer lies in the power of FIVE dimensional pictures. These are the pictures radio uses. These are the pictures that sell goods. Write us for a copy of "PAINTS A MORE ALLURING PICTURE." The Columbia Broadcasting System • 485 Madison Avenue, New York*

Ben Bernie, Bill Day Make Talks; Dignity, Advertisers' Pet Views Have No Place in Smart Radio

Bill Day, J. Walter Thompson's No. 1 merchandising and copy expert, told an American Marketing Association group last week that while radio entertainment may not be the most dignified of advertising media the smart merchandiser has long ago abandoned the idea that dignity makes an impression on the general buying public. Day declared that it has been irrefutably established that the most people are reached by radio and comic strips.

Day, who made 'Merchandising Entertainment' the theme of his talk, contrasted the ideas that motivated advertisers years ago with the methods that are in vogue today. At one time the advertiser was convinced that all he had to do was sell his own viewpoint, what he thought his responsibilities were to the consuming public and how he was carrying out these responsibilities. Modern consumer isn't interested in this folderol. He wants to be talked to in personal terms; what effect the product will have on his own welfare, tastes and relations with those around him. Packaging is still an important factor, but even there the appeal is to the buyer's personal tastes.

Ben Bernie, who also spoke, gave

Competitive Taunt

St. Louis, Nov. 8. Merits of radio and newspaper advertising were being discussed last week by Ed Flynn of WEW's sales staff and a coal dealer, a prospective client, when Flynn, irked by the coal dealer's position that newspaper ads were more effective, rejoined, 'Well, there is one thing certain; you can't wrap your lunch up in radio advertising.'

It is his opinion that advertisers are showing a more sympathetic attitude toward the problems of the radio entertainers they employ. They are giving the entertainers more leeway in molding their talents to the medium and letting them choose what they (the entertainers) feel will appeal most to the listeners, instead of imposing the sponsor's tastes and idiosyncrasies. Change in viewpoint, said Bernie, has been healthy for both the listening public and the advertiser's own interests.

Jean Paul King will vacation from his Florida vacation Jan. 10 to speak before Chicago Rotary Club.

AGENCIES-SPONSORS

WTMJ, MILWAUKEE

Nash Kelvinator Corp., Detroit, 26 one-minute announcements, Geyer, Cornell & Newell, Inc. Milwaukee Chevrolet Dealers' Assn., eight spots. Lawton's, clothing, Milwaukee, 156 spots, three each Sunday, on 'Masters of Rhythm.' Edwards Motor Co., auto service, 52 spots, Neisser-Meyerhoff. Jersey Creamline Dairies, 13 spots, Allen Rieselbach Agency.

Peabody Shirt (Sanforized Shrink) is expanding its spots announcement test campaign. Copy tryout started on WCAU, Philadelphia, six weeks ago, and its Young & Rubicam's idea to place some live announcements in six or seven other towns.

Sensation cigarettes (Lorillard) will add several more stations to its present 'Don't You Believe It' link on Mutual after Jan. 1. Program now has 27 outlets in the east and mid-west and 30 Don Lee stations and affiliates.

WCAE, PITTSBURGH

Isaly Dairy Co., half-hour variety program once weekly for 13 weeks. Placed by Ketchum, McLeod & Grove.

Healthdays, Inc., quarter-hour news broadcast six times weekly for 52 weeks. Placed by Franklin Bruck.

Thomas A. Leeming Co., News-Flash package four times a day, six times weekly for 26 weeks. Placed by William Esty.

General Motors Corp., daily spot announcement for two weeks. Placed by Campbell-Ewald.

Nash-Kelvinator's daily spot announcements for 52 weeks. Placed by Geyer-Cornell-Newell.

Norris Radio Fund, Inc., announcements twice weekly for 52 weeks. Placed direct.

Dr. P. Phillips Co., daily announcements three times weekly for two weeks. Placed direct.

Pleasant Hills Realty Co., daily participation in 'Polly Entertains' for two weeks. Placed by Elsie Lichtenstul.

Summit Hotel, daily participation in Morning Express indefinitely. Placed by Earl Bothwell.

Ex-Lax, Inc., one-minute disc announcements six times weekly for 13 weeks. Placed by Joseph Kalz.

Greyhound Bus Corp., through Beaumont & Hohman of Cleveland, bought exclusive sponsorship of three-hour broadcast of election returns (Tuesday) over WAAB, Boston.

Kilpatrick Bakeries, San Francisco, bakery chain, has added KGDM, Stockton, and KDON, Monterey, Cal., to the Mutual-Don Lee web releasing their 'Lone Ranger' under Kilpatrick sponsorship on the Coast. Account handled by Emil Reinhardt agency, Oakland.

Standard Beverages, Ltd., spot announcement series over KSFO, San Francisco, through Emil Reinhardt, Oakland. Also on KGO, KPO, KPBC and KJBS, San Francisco, and KROW, Oakland.

Campbell Cereal Co., Minneapolis, Minn. (Mall-O-Meal), placing 'Teena and Tim,' transcribed serial on KPO, San Francisco, three weeks through March 8. Agency is H. W. Kastor & Sons, Chicago.

Railway Express Agency, New York, through the Caples Co., is sponsoring weather reports six nights a week on KGO, San Francisco, through Dec. 24.

RCA Manufacturing Co. (records and phonographs), Camden, N. J., has renewed through Feb. 3 its 'Music You Want' programs on KGO, San Francisco, six nights a week.

Henry Cowell Lime & Cement Co., San Francisco, spotting 50-word announcements on KYA once a week. Placed direct.

Howard E. Williams has been named vice-president of Erwin, Wasey on the Coast following the merger of his San Francisco advertising agency with the Erwin, Wasey organization last week.

American Bankers Association last week put into production with NBC's transcription division a series of 13 quarter-hour recordings for distribution among the organization's member banks. Brief dramatized in-

Inside Stuff—Radio

Boston Post recalled last week after the 'Mars Panic' episode a historic occasion in the early days of Boston radio when Bob Emery hoaxed the town. Recalled the Post: 'It was the crystal set era when anybody in Boston who got a radio station as far west as Chicago called up the newspapers in a frenzy to report the miracle of it. The sets were earphone style and picking up Los Angeles would be equivalent today to tuning in on the remote planet Pluto. Well, the mischievous Emery simulated a voice other than his own which was very well known, and pretended to be a broadcaster in Hawaii. Soon he was another voice, talking from Singapore. Then Post Said.

'There were a dozen accents and for a half hour or so Emery was the man of a thousand voices. Then came the phone calls.'

N. Y. Prosecutor Thomas Dewey's refusal to go on Mutual Friday night (4) immediately following President Roosevelt provided disappointing to three newspaper publishers, Frank Gannett, Paul Block and Col. Robert R. McCormick. Gannett and Block, who with McCormick rate as the leaders of the publishers' anti-Roosevelt brigade, had prevailed upon Dewey to stand by for an answer to the Roosevelt speech over the same Mutual hookup, but after the President had concluded waved aside the waiting facilities and said that he would reply to the President's references to him the following day. Block and Gannett meanwhile had tipped off the various news services to keep their ears glued to the loudspeakers for the comeback by way of Mutual.

Development of a new special antenna by an unnamed French Industrial corporation reported last week to the Department of Commerce by the office of the American Commercial Attache at Paris.

Apparatus, with a device, can be used as a radio direction finder, utilizing short and very short waves, according to the report. Company claims that it is unusually easy to operate and precludes all possibility of error in bearings. Also states that the antenna can be installed anywhere and is 'not affected by night error.'

Special cut-in announcement which Procter & Gamble wants to make to California listeners about Ivory will be cleared through KNX, Los Angeles, because that station makes no extra charge for such service. Cut-in series will be carried at the tail end of the 'Road of Life' serial, KFI and KFWE, which also air P & G shows, maintain a policy of billing accounts for announcements interpolated locally.

Ira A. Hirschmann, whose name was mentioned as a candidate for the post of CBS v.p. in charge of sales, has gone with Bloomingdale's, N. Y., department store, as director of advertising and sales promotion. Entry date is Nov. 14. CBS interviewed Hirschmann but it is said matter was never very seriously discussed.

Because of prior commitments, two Shepard exhalers, WICC, Bridgeport-New Haven, and WEAN, Providence, cannot join special net airing Father Coughlin talks at 4 p.m. Sundays and are therefore broadcasting transcription of hour at 8, opposite Chase & Sanborn spot.

Station WQXR, N. Y., will indirectly enter the receiving set manufacturing field by supplying specifications for high fidelity reception to an undisclosed maker and then indorsing the outfit as official 'WQXR radio set.'

Gift of 350 shares of Columbia Broadcasting's class B stock in September was reported to the S. E. C. by Isaac D. Levy, one of the chief web owners. Identity of recipient not disclosed. He retains 63,200 A shares and 23,115 of the B series.

stitutional plugs will be interpolated in each of the musical shows. Nat Shilkret is the conductor.

ABA distributed a similar series among its membership for placement on local stations last spring. The enterprise at the time involved 50 stations.

'Mann Hollner' east on Robert Benchley show as Old Gold replacement for George McCall.

KDKA's 18th Anni

Pittsburgh, Nov. 8. KDKA, which still ignores WWJ, Detroit's claim to be first on the air in America, is ticking off its 18th anniversary. Observed it Sunday with special 'Cavalcade of Communication.' To KDKA the birthday of the station is the birthday of radio itself.



Meet the WSM Dictator!

YOU may consider him a trifle young to merit attention, but WSM thinks differently. This youngster, to us, is tomorrow's radio audience. One day he (and millions like him) will be the one who listens or refuses to listen, who buys or buys not, as he chooses.

We plan to be in the broadcasting business when this day comes. So we build to this end by doing our darndest to give the parents of tomorrow's audience the kind of broadcasting service they like today.

This is why we maintain one of the largest and most varied talent staffs in America—Why we check each script to see that it is in good taste and the public interest—Why we examine every product to satisfy ourselves that it will give our audience full value—Why we reject many contracts and much revenue rather than expose our audience to the slightest hint of impropriety.

The only way we know to be sure of an audience tomorrow is by keeping faith with the audience we have today.

This is not idle altruism. We can prove, to your satisfaction that this WSM policy pays advertising dividends.



National Representatives: Edward Petty & Co.

The Faith of Our Audience Comes First

ELECTED!

WHN

MORE TIME was used on WHN than on any other N. Y. independent radio station during this campaign by the political organizations of New York State.

Thanks to you—the many groups from all parties which recognized WHN's tremendous audience appeal in this gratifying manner.

DIAL 1010

1540 BROADWAY, NEW YORK CITY

MUSIC *under the direction of*

MARK WARNOW

BLUE VELVET MUSIC

Mark Warnow's individualistic approach to contemporary music remains a highlight of the CBS program schedule.

AMERICAN TOBACCO COMPANY

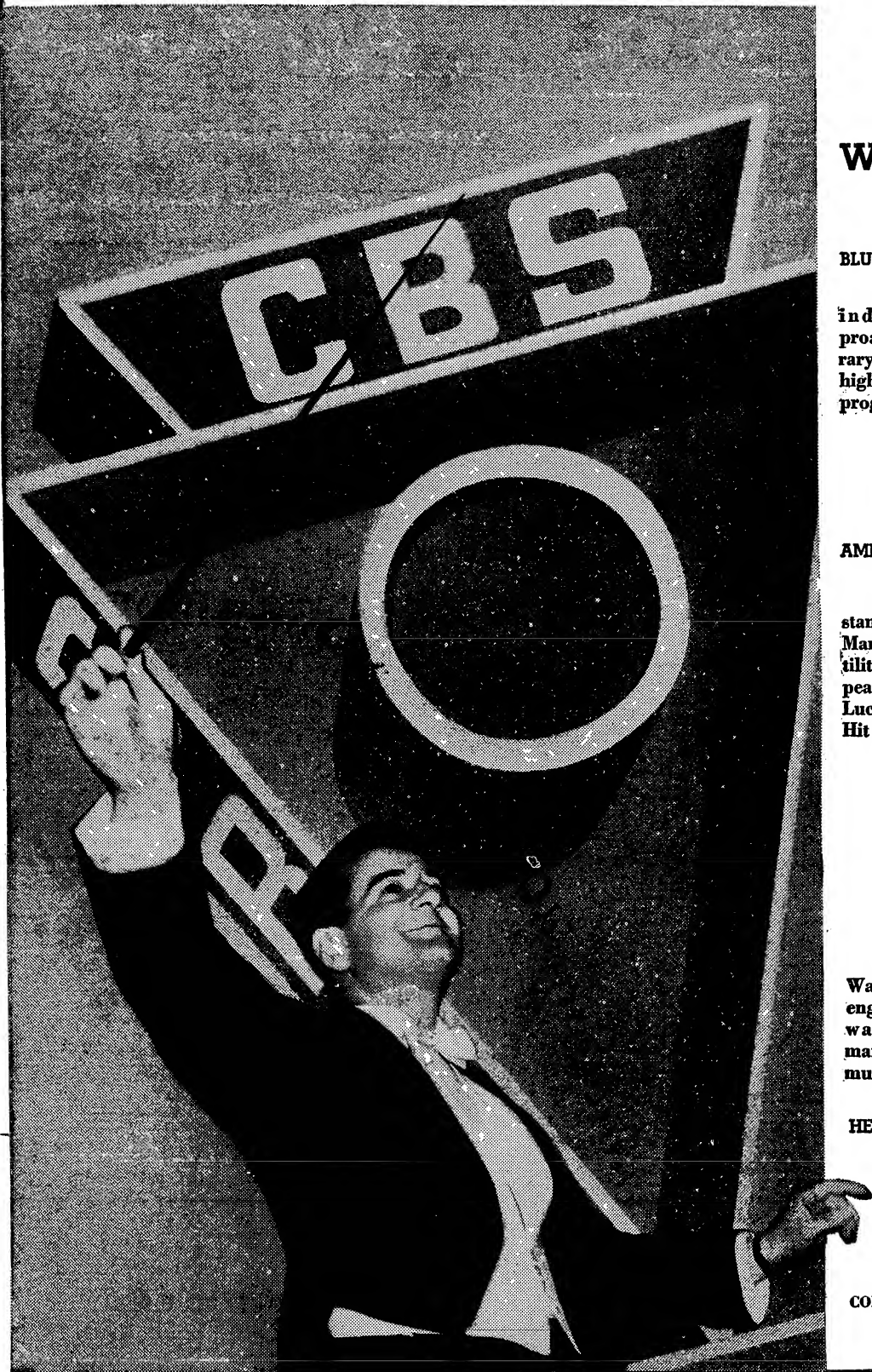
Has put the stamp of success on Mark Warnow's versatility by frequent repeat engagements for Lucky Strike on "Your Hit Parade."

PARAMOUNT THEATRE New York

Booked Mark Warnow for a starring engagement on Broadway...one of the many peaks in this musician's career...

HELD OVER 3d WEEK

Exclusively
Managed By
COLUMBIA ARTISTS, INC.
485 Madison Ave.
New York City



'BARE BONES' THEORY REANIMATED BY FCC DECISION ON WTIC PETITION

Craven Files Strong Dissent, Alleging Inconsistency with Recent Commish Decisions—Hartford Revision a Matter of Auditing

Washington, Nov. 8. Sweeping decisions which virtually take radio stations as common carriers and holds alarming threat of stringent financial regulation last week brought to a head the dispute within the FCC over policy in station sales and in effect adopted the bare-bones theory. Most important opinion in commish history on transfers was justification for the denial of permission for Travelers Insurance Co. to simplify its corporate set-up by centralizing ownership of WTIC, Hartford, and four short-wave outlets, in a new subsidiary corporation. Connecticut pioneer desired to eliminate Travelers Broadcasting Service Corp., present licensee holder, and turn the entire properties over to Travelers Broadcasting Co.

Highly important conflict of views was brought into public gaze by the decision, in which two members, Commissioners T. A. M. Craven and Thad H. Brown, refused to concur. With Commissioner Norman S. Case not participating, a majority of one went on record as convinced the commish should adhere to stern principles in passing on transfer applications.

Chief aspects of the policy reflected by the majority opinion are:

1. Station owners are not entitled to recover past losses or to capitalize development, research and pioneering expenses.

2. Ability of the purchaser to pay the price is a vital factor in determining whether transfers are in the public interest.

Taken together, these highlights amounted to acceptance of the bare-bones theory—that only the actual value of the property exchanged may be represented by the consideration passing between parties—so long urged by Chairman Frank R. McNinch. As a result the majority appeared to have performed a complete somersault, since during recent months the FCC has ratified deals where the price included a sum for intangible elements, either 'going concern value' or 'good will'.

Vigorous argument against the ma-

jority view was made by Commander Craven in what attorneys deemed the outstanding dissenting opinion since the FCC was established. Position of Brown was not clear, since he neither concurred in Craven's declaration or gave expression to the reasons which caused him to balk.

Travelers case has been considered the most significant transfer matter to come up. Besides involving a large price tag, it presents the question of how much freedom station owners have in arranging the conduct of their own corporate affairs and provided a vehicle for the commish to express views on the most controversial matters troubling the industry for several months.

Can't Recoup Losses

Crucial factor was a \$1,500,000 note executed April 20, 1937, by which the parent company hoped to recover all losses incurred in operation of the station since 1925 when Travelers Broadcasting Service Corp. was created. Little dispute about the \$500,000 price placed on equipment and property, although Commish expert appraised the tangibles at \$352,000 without making personal examination.

Expressing an unprecedentedly strict point of view, the majority of the Commish declared the \$1,500,000 obligation would start the new corporation off with a tremendous burden of debt and hinted fear that this would impair its ability to render meritorious service. Present corporation, with its \$100,000 cash on hand, said to be in a better position to pay off the note and do business.

Attitude which startled attorneys was based upon reasoning employed by regulatory bodies in supervising affairs of public utilities. At the same time the four-man majority took the slant that the \$1,500,000 item must be considered as 'part of the consideration' paid for the franchises now held by Travelers Broadcasting Service Corp.

Craven's Attitude Making the issue clear-cut, Commander Craven wrote a veritable treatise on the subject of the FCC's

legal power over station sales, the economic factors that should be considered in adopting regulatory policies, and the difference between radio transmitters and other utilities. He took the slant that the transaction between the parent insurance company and its various subsidiaries was relatively simple, designed to clarify an unsatisfactory operating situation, and based on sound business practices.

Feeling that the note for the parent's past outlays was justified, Craven declared there should be extremely strong reasons for denying consent for a transaction which would improve the corporate position of the licensee and said 'I do not find any such reason in the record'.

The majority idea that the \$1,500,000 note amounts to a huge deficit at the start of operations was rejected by pointing out the obligation was contingent upon future earnings. Unless the company earns a profit over operating and maintenance costs, he pointed out, there is no compulsion to pay the parent interest or installments on the principal.

Bookkeeping method by which the note was off-set with an asset entry of \$1,500,000 covering 'developmental expenses' was defended by the dissenting Commissioner in a strong attack upon the majority's application of public utility regulation ideas. Likewise he declared Examiner P. W. Seward was contradictory in describing the effect of the obligation.

Public-utility concept applied by McNinch and the other majority members does not apply to radio, even if courts have held power companies and other services are not entitled to recover their pioneering losses, according to Craven. Radio stations are not natural monopolies, are operated in competition, do not cater to the public directly, are not compelled to sell services to all comers, have unique responsibilities imposed by law, and are constantly subject to supervision because of short-term licenses.

'It is my opinion that the time has not yet arrived where the development of broadcasting justifies the application of common carrier doctrines of rate regulation either by inference or by direct action,' Craven asserted.

An equally sharp disagreement with the majority over the stand to take on station prices caused Craven

Sadistic

Pittsburgh, Nov. 8. Bernie Armstrong's rib of Joe Williams, sports writer, and Jim Crowley, Fordham coach, at KDKA, Pittsburgh, last week still getting plenty of chuckles all over town. Pair were here regular Sunday afternoon 'Second Guessers' show over KDKA. Upon reporting at studio for rehearsal found Armstrong, staff organizer, had been appointed to do their musical background, usually group of college songs. Armstrong placed a hymn book in front of him and started playing 'Lead Kindly Light.' Williams and Crowley protested, but Armstrong said that was the only kind of music he was allowed to play there on Sunday. Pair said they'd go on then without any music, but Armstrong said he had to be paid. Then Williams and Crowley offered to give him union scale if he'd scrap him. Armstrong turned that down, too. Kept on playing hymns for them right up to minute before show started and Williams and Crowley were ready to commit murder when Armstrong finally broke down and confessed it was a gag.

to use emphatic language in giving more reasons why he could not concur in the opinion. He pushed aside the barebone principle as unfair, said it is impracticable to adopt any rigid formula for determining whether the consideration is reasonable, and indicted the rest of the commission for glaring inconsistency.

Radio is not different from any other business in that enterprises often change hands, Craven said, warning that the FCC stand may discourage investments and curb development. Inequity of trying to prevent a controlling owner from receiving more than the physical worth while allowing a minority stockholder to get whatever the market price happens to be was brought out. Also the conflict between the FCC majority and the Internal Revenue Bureau, which holds that in valuing station stock in an estate the tax is determined by earnings.

Ironical

Other members were target for ironical criticism when Craven pointed to prior decisions in transfer matters. If the bare-bones yardstick is used, 'we cannot possibly reconcile our decision with a number which have been rendered during recent months,' he said, noting 'in no small number of cases we have approved transfers where the price was considerably in excess of the value of the assets'.

In the event the insurance firm decides to carry on the fight, Craven's strong dissent will be of material importance in any further proceedings. Although the right of appealing the decision is conjectural under past court opinions, it is believed certain Travelers will make further attempts to obtain a conclusive ruling on the vital questions which this case presents and thus try to clarify the uncertainty about the legal standing of broadcasters in station sales.

WLS Own Tower Nov. 12

Chicago, Nov. 8. Prairie Farmer station WLS will put its own new transmitter into active operation on Saturday (12) after having shared time on the WENR transmitter for many years. New transmitter is located to the southwest of Chicago and will be a single tower unit. It is expected to enhance the WLS coverage of metropolitan Chicago.

New outfit will not affect the regular relationship between WLS and the NBC blue, nor its split-time arrangement on the air with WENR, with which it shares the same wavelength.

At one time WLS had considered splitting away from NBC as soon as it built its own tower, but all differences have been patched up and the WLS-NBC affiliation will continue for at least two more years.

C. Robt. Thompson at WEBB

Buffalo, Nov. 8.

C. Robert Thompson has joined the WEBB staff here to specialize in program production. He comes from WCOR, Columbus, where he was station manager.

Previously, with WCAO, Baltimore, and WTBC, Cumberland, Md.

BACKGROUND BUZZ

Hilda Daniels, newcomer to radio, has joined continuity department at WCAE, Pittsburgh.

George Olsen did a guest on WCAE's Big Swing program over WCAE, Pittsburgh, for Islay Dairy Company and Haverly Boye, Post-Gazette sports editor, who's on the show.

Sid Dickler has reorganized his dance band after a spell of press-agency work coming through again over WWSW, Pittsburgh.

Mildred Byram Fishburn, Philly delegate to the American Theatre Council, doing a weekly series on WWSW, Pittsburgh.

Leslie W. Joy, g.m. of KYW, has been named chairman of the radio committee of the Red Cross in the Philly area.

Two members of the WCAU, Philadelphia, staff are becoming vaudevillians. Bill Dyer, baseball spieler, is appearing at the Earle theatre this week with Horace Hefner, while Larry Vincent, chirper, opens a week's stay at Fay's theatre on Nov. 24.

Dick Fisher, gabber at KWK, St. Louis, for past 18 months, has resigned while Larry Vincent, chirper, where he will do spec. l. newscaster stint.

Lester A. Benson, prez. WIL, St. Louis, member of the Federal Grand jury for the September term. Ed Shutz, gen. mgr. of the station, recently finished a term on the same body.

Margaret Little added to staff of KXOK, St. Louis.

KMOX, St. Louis, beginning a new series of programs tagged '2,500 Years of Olympic Games,' as a presentation of the Olympic Games.

Manager Ralph Brunton of KJRS, San Francisco, on the job again after two weeks' hospitalization.

Vance Graham, formerly of KOA, Denver, has been added to the announcing staff at KSKO, San Francisco. Graham recently was chief commentator at the Alexander Film Co., Colorado Springs.

Chief of program manager Glen Dolberg of KGO-KPO, San Francisco, bruised when struck by auto last week. Married last month.

Mark Goodson's is the new voice on the KRCR, San Francisco, announcing staff.

Caryl Coleman, radio head of the San Francisco office of Botsford, Contantine & Gardner agency, did a guest spot last week at the University of California Extension Division class in radio advertisement conducted by Lindsey Spight, Coast manager of Public Affairs & Dept. Howard Milholland, reader, and his wife, pianist Eva Garcia, are back on the air in Frisco after absence in Australia.

KIRO, Seattle, has new control booth with Western Electric equipment, and Presto recorder.

WGY's Guest Tours

Schenectady, N. Y., Nov. 8.

WGY's new studio building, variously called 'The Little Radio City' and 'Radio City of the Northwest,' is proving a magnet for visitors. During October a total of 11,347 people were conducted on studio tours, a la the parent NBC's Radio City plan, but without an admission charge. This number included many school children.

Fire Routs Spielers

Spartanburg, S. C., Nov. 8.

Grid players turned spectators Friday (4) when fire broke out in press coop atop Wofford College stadium and forced radio spiliers and spots scribes to scramble for safety.

Officials halted game and footballers watched as spectators were herded out of billowing smoke and flame area. Fire was extinguished with slight damage.

TSN
Affiliated with
MUTUAL BROADCASTING SYSTEM

TEXAS STATE NETWORK...
23 STATIONS...
23 PRIMARY AREAS!

This shaded map shows how the 23 primary coverage areas of TSN's 23 stations give advertisers effective coverage of one of the greatest markets in the country... Texas, with a population in excess of six million. Texas is equal in land area to the combined states of Massachusetts, Rhode

Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio and Illinois. To cover this Atlantic-to-the-Mississippi area, CBS uses 28 stations. NBC Blue uses 27. To cover the immense Texas market you need the effective coverage of 23 primary areas which TSN alone can provide.

TEXAS STATE NETWORK, INC.

ELLIOTT ROOSEVELT, President

NEAL BARRETT, Executive Vice-President

FORT WORTH, TEXAS

10 SALES, INC., NEW YORK, CHICAGO, DETROIT AND LOS ANGELES

5000 Say 1000 Night

WBNS
Columbus

ALL YOU NEED IN CENTRAL OHIO

John Blair, rep.

On the Eve of Its 12th Anniversary

NBC

POINTS WITH PRIDE

to Its Record!

AS the years go by, NBC offers an ever greater service to America. Our growth is measured in terms of increasing achievement in bringing educational, political, and cultural features before all listeners. Yesterday NBC performed a notable public service in impartial and alert coverage of election returns. And . . . in the weeks preceding Election Day, NBC offered an even greater service by giving listeners many opportunities to hear both sides of the current issues . . . and to judge candidates on a basis of the views they expressed over the air. By helping keep voters informed . . . NBC helps the cause of good government.

Great plays . . . great music . . . spectacular special events programs . . . are now almost daily fare for the millions who listen regularly to NBC. Such consummate artists as Arturo Toscanini lend the touch of genius to NBC Programs of Service. Truly . . . NBC can point with pride to its record. But . . . instead of looking back, instead of resting on its laurels . . . NBC looks to the future for even wider opportunities to serve.

These are some NBC Services

Arturo Toscanini and the NBC Symphony Orchestra—The world's finest music performed by a great symphony orchestra.

National Farm and Home Hour—A radio service that for ten years has brought valuable information and enjoyable entertainment to farm families.

Town Meeting of the Air—Famous forum for debating important public issues.

University of Chicago Round Table—Specialists discuss current national problems.

Special Events—News as it happens. Outstanding example: Reporting of recent European crisis.

Dr. Damrosch's Music Appreciation Hour—Musical information to millions of school children.

Educational Programs—Presentations designed as aids for teachers and students in schools and colleges and for adult education.

Religion—Services for listeners of all denominations.

Metropolitan Opera—Saturday afternoon matinees direct from the Metropolitan Opera House in New York.

Sports—Outstanding sporting events in all fields brought to listeners by experts.

Drama—Famous actors appear in performances of great plays and plays written especially for radio.

Dance Music—Every night NBC networks bring the most popular dance bands to millions of listeners.

Politics—Talks by nation's political leaders direct to the people and complete coverage of elections and conventions.

NATIONAL BROADCASTING COMPANY

The World's Greatest Broadcasting System

A SERVICE OF THE RADIO CORPORATION OF AMERICA

Texas Preacher on Political Tour Raps WFBL; Latter Contradicts Him

Syracuse, Nov. 8. Billing himself as 'the stormy petrel of the pulpit,' Rev. J. Frank Norris, pastor of First Baptist church, Fort Worth and Temple Baptist church, Detroit, Mich., brought the wrath of Syracuse radio officials down on his head by charges made last week that officials of WFBL had 'suppressed free speech.'

Dr. Norris, in a speech before a large Syracuse audience, asserted that WFBL had cancelled a broadcast which he claimed had been scheduled. He indicated the cancellation was due to political reasons and said he had sent a wire of protest to Democratic National Chairman James A. Farley, protesting against the cancellation. He said he would make a test case of the incident.

Dr. Norris made the statements in the course of a speech which advocated the election of Thomas E. Dewey in the New York gubernatorial campaign, and assailed the 'communist atheistic Washington government.'

His statements, given wide publicity in one of the Syracuse papers, brought a quick reply from Samuel Woodworth, general manager of WFBL, who said that Dr. Norris had never been assigned any time. He said an advance man for the preacher had appeared at the station and asked to purchase radio time. Advance man was asked to provide a copy of the proposed broadcast, it being the policy of the station not to sell time for religious programs, unless there is some unusual public demand. Normally, all religious periods are given free by the station and various church groups are invited to consult on selection of the speakers and time.

Woodworth said Dr. Norris sent WFBL a religious pamphlet and a note saying that he would broadcast excerpts from the printed text. After determining that the pamphlet was straight religious material he declined to sell the time on the ground that this was not policy.

Blistering political speech, which Dr. Norris said he had planned to give over WFBL was never mentioned to them, station officials said. They maintain they wrote Dr. Norris telling him that the time would not be sold to him and said he had never been listed in their programs.

On Both Shoulders

Wilkes-Barre, Nov. 8. Bill Phillips, gabber on WBRE, was fired last week because he was doubling as a Republican news commentator. He went on the air every day as an announcer and once a week as a commentator. Trouble was, angry Democrats complained that they weren't always sure when he was on his own and when he was reading a G.O.P. script.

POLITICS WIND-UP CAMPHORS REGIONALS

Philadelphia, Nov. 8. Today is folding day for Pennsy's two regional webs, the Quaker State Network, keyed by WFIL, and the Pennsylvania Broadcasting System, fed by WCAU. With the end of the political campaign, there is nothing in sight for either chain, both of which consist of 16 stations, most of them the same ones.

Pennsy System will definitely drop from the scene, while Quaker will probably attempt to continue living, as it has for the past two years, in the perpetual hope that a commercial (other than political) may come along.

Hartford Sold Plenty

Hartford, Nov. 8. Current political campaign which reached its climax at the polls today has heavily sugared the coffers of the three local radio stations, WTIC, WDRC and WHTT, to the tune of an approximate \$21,000 with the lion's share of the receipts going to WTIC. That station sold about \$12,000 of air time. Balance of money split almost evenly between the other two stations.

Although official figures are not yet available, more than 60 hours of political gab was sold on the three stations with each station selling about one-third of that time.

Cully Richards now emceeing Signal Carnival, replacing Ben Alexander.

Washington Lobby

Washington, Nov. 8. Possibility that broadcasters are being intimidated for political advantage of the New Dealers drew an official laugh from Charles Michelson, publicity boss of the Democratic National Committee. Question raised last week when he arranged for Paul Y. Anderson, news scribbler, to go on MBS and tell what he thinks about antics of the House Committee Investigating Un-American Activities after Chairman Martin Dies used the web to justify his conduct. Affiliated outlets which did not carry Dies because of prior commitments likewise turned down Anderson, the political spouter noted. Added 'if there is any process, administrative or otherwise, by which radio stations can be compelled to take or omit broadcasts, I never heard of it.'

Active whispering campaign in political circles is the latest result of internal feuding. Both individuals on the inside and those outside are attributing base motives to members on opposite sides of the fence in recent disagreements. Some of the poison is being pumped into the White House in the hope it will reach the President's ear. Foes of one member are engaging in personal muckraking while persons suspecting the objectives of another audibly wonder if he has been promised a better job.

Although the Commish is still frowning about the Mars broadcast, individuals close to the President see nothing to cause great agitation and CBS generally retains high standing with the FCC. One of the Chief Executive's official aides, accompanying another member of the White House secretariat, fell asleep during the most exciting moments when the transcription was played for their special entertainment. Day after the web was ordered to submit a recording, the FCC handed it four new international frequencies.

STRICTLY NON-POLITICAL

WFBM, Indianapolis, Ducks Any and All Politicians

Indianapolis, Nov. 8. WFBM of Indianapolis, owned by local utility, is one of the few stations throughout the country refusing all political broadcasts during the present campaign. Other Indianapolis station, WIRE, found schedule taxed as a result of the refusal.

WFBM passed up several thousand dollars on the decision.

Protests Delay Troy Tee-Off Of Wilder Co.

Troy, N. Y., Nov. 8. Petitions from WOKO and WABY, Albany, and WCSH, Portland, Me., to have a rehearing of the original petition in which FCC granted Col. Harry Wilder's Troy Broadcasting Co., Inc., a license to set up (new) WTRY with operation on 950 k.c., 1,000 watts daytime, has delayed the starting of work on the city's first commercial station. It was scheduled to go on the air about Jan. 1, but March 1 is now believed to be the earliest date that can be made. Site of the transmitter has been fixed.

WOKO-WABY, which opened Troy studios when the Wilder movement got hot, set forth in the new petition that Troy is being adequately served and that the area should be reserved for their advertising patronage. No claim of interference by the Albany station WOKO operates on 1,430 k.c. and WABY on 1,370. WCSH operates on 950 k.c., 1,000 watts at night and 2,500 watts daytime.

Loucs and Sharfield, attorneys for Troy Broadcasting Co. (in which several local men hold stock), have indicated that petitions to rehear original application are of routine nature. Probable effect, in their opinion, will merely be to delay FCC action on application for WTRY's construction permit.

POLITICAL BONANZA

Pittsburgh Stations Reaped Big Dough During Hot Fight

Pittsburgh, Nov. 8. Five Pittsburgh stations have just split the biggest political maul in their history, and all of them are plenty sorry that election today (8) will bring the gold rush to a close. Never before have both Democrats and Republicans made such a wild dash for time, with every available spare minute on WCAE, KDKA, WJAS, KQV and WWSW being gobbled up by the political orators.

Sustaining shows for the last month have been eliminated entirely in order to accommodate the 'vote for me' boys, wending up the hottest and wildest mud-slinging campaign in the state's history. No holds barred, with WCAE, owned and controlled by Hearst, selling time to Hearst's enemies, and WWSW, operated by Post-Gazette, doing the same thing.

Set-Up for Election Returns

(Manner in which a local radio station in 1938 goes about anticipating the production and timing problem of handling special events of a political nature is illustrated by the following official memorandum of WOR, New York, for last night's (Tuesday) coverage. It will be noted John B. Kennedy was specially hired and Fulton Lewis, Mutual's Washington commentator, brought to New York for the occasion.)

TO: PRODUCTION STAFF FROM: PROGRAM DEPT.
COVERAGE OF ELECTION RETURNS ON WOR AND MBS

- Studio No. 1 will be set up as the Election Bureau and personnel assigned as follows: G. W. Johnstone—Editor in Charge of Operations, Dave Driscoll and Alvin Joseph—Assisting, Fulton Lewis (Commentator)—Carl Warren (Announcer), John B. Kennedy (Commentator)—Frank Singler (Announcer), Entire Press Staff—Covering.
- WOR will make remote pickups from various headquarters which will be covered by the following men:

Wm. J. Ely Headquarters.....	Charles Goelvin	from 8:00 P.M. on.
Gov. Lehman.....	Frank Knight	from 8:00 P.M. on.
Thomas B. Dewey.....	Al Heller	from 8:00 P.M. on.
Warren Barbour.....	John Whitelade	from 8:00 P.M. on.
James Farley.....	Henry Morgan	from 10:00 P.M. on.
Senator Wagner.....	Merry Lawrence	from 8:00 to 10:15 P.M.
	Tom Stitzer	from 10:15 on.
- Election Bulletins have been scheduled as follows:

6:00-6:05 P.M. to MBS only.
6:30-6:35 P.M. to MBS only.
6:40-6:45 P.M. to WOR and MBS (During C. J. Ingram Program).
7:00-7:15 P.M. Fulton Lewis feed from WOR to MBS only.
7:10-7:15 P.M. WOR only.
7:40-8:00 P.M. to WOR and MBS.
8:30-8:35 P.M. to WOR and MBS.
8:40-8:45 P.M. to WOR and MBS.
8:50-9:00 P.M. to WOR and MBS.
10:15-10:20 P.M. to WOR and Colonial.
10:30-10:35 P.M. to WOR and MBS.
11:00-11:15 P.M. Fulton Lewis to MBS only.
- From 11:15 on we will attempt to put regular periods on at the half hour; however, programs will override at intervals for the latest returns.
- Fulton Lewis will open the 2 minute periods with comments at 8:30 P.M.; 9:00 P.M.; 10:30 P.M., and 11:30 P.M.
- There will also be cut-off periods from: In chronological order: Washington, Buffalo, Boston, Philadelphia, Cincinnati, Detroit, Oregon and California. At Washington for statement by Mr. John D. Hamilton, and to Hotel Baltimore in N.Y.C. for statement by Mr. James Farley. Mutual stations making pickups in the various cities and not to be selected NOT to take the connection of their programs, but to use as standard cue "WE NOW RETURN YOU TO OUR NEW YORK STUDIOS."
- The network will remain open until 3:00 A.M. at least, and possibly longer if Mr. Oppenheimer so orders. WOR will remain on the air as long as it is deemed necessary.
- During every local election hour from 8:00 P.M. on (except when commercial announcement is to be made again). The next election returns will be heard over WOR at 4:00 P.M. and at 7:10 P.M.

FULL MEASURE EVERY TIME

in this
Billion Dollar Market

FIRST

In Listener Popularity by more than 2 to 1
In Number of Network Advertisers
In Number of National Spot Advertisers

Put WTIC to work for your product now. It's a sure means to a full measure of profit from your selling effort throughout 1939. Write today for our interesting 32-page brochure giving full details on the Ross Federal Survey of WTIC's popularity and facts about the WTIC Billion Dollar Market.

50,000
WATTS

WTIC

HARTFORD
CONN.

The Travelers Broadcasting Service Corporation
Member N.B.C. Red Network and Yankee Network

Representatives: Wood & Company • New York, Detroit, Chicago, San Francisco

ADVERTISEMENT

RENEWALS

the only
kind of
testimonials
that really
count!

★ Super salesman-
ship can sell any
medium once--but
when it comes time
to buy again, it's
RESULTS that count!

★ Take a tip from
the fact that most
of WFBR's adver-
tisers RENEW!

★ Here are some out-
standing repeaters:

AMERICAN OIL COMPANY
4 YEARLY RENEWALS
AYARES SMALL LOAN CO.
5 YEARLY RENEWALS
B. C. REMEDY CO.
5 YEARLY RENEWALS
BEAUMONT LABORATORIES
2 YEARLY RENEWALS
BULOVA WATCH CO.
4 YEARLY RENEWALS
CARTER MEDICINE CO.
4 YEARLY RENEWALS
CHEVROLET MOTOR CO.
14 RENEWALS
COCA COLA BOTTLING CO.
2 YEARLY RENEWALS
CROWLEY PUBLISHING CO.
2 YEARLY RENEWALS
INTERNATIONAL BEDDING
CO.-4 YEARLY RENEWALS
JARMAN MOTORS
4 YEARLY RENEWALS
S. & N. KATZ
5 YEARLY RENEWALS
KOESETER BAKING CO.
5 YEARLY RENEWALS
MD. PHARMACEUTICAL CO.
(REM)
2 YEARLY RENEWALS
ONEIDA, LIMITED
4 RENEWALS
PENICK & FORD
TWO 17 WEEK SERIES
PHILLIPS PACKING CO.
4 YEARLY RENEWALS
PUBLIC BANK
3 RENEWALS
READ DRUG AND CHEMICAL
CO.-5 YEARLY RENEWALS
SCHMIDT BAKING CO.
5 YEARLY RENEWALS

In Baltimore, it's
WFBR
ON THE NBC RED NETWORK
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

"INSTRUMENTAL LITERATURE"

...says *Walter Winchell*

OF THE

MUSICAL COMPOSITIONS

OF

RAYMOND SCOTT

RAYMOND SCOTT QUINTET

"one of the fastest careers in show biz" *Variety*, November 2nd, 1938.

January, 1937 . . . Plays "Twilight in Turkey" for first time on radio . . . Creates overnight sensation . . .

April, 1937 . . . Records "Toy Trumpet", "Power House" and "Twilight in Turkey" . . . Enthusiasm skyrockets sales . . .

July, 1937 . . . Guest appearance at Hollywood's famous Tropicana starts picture producers cheering and bidding . . .

August, 1937 . . . Darryl Zanuck signs Scott and his Quintet to year's contract for 20th Century-Fox.

August, 1938 . . . Performances completed in "Ali Baba Goes To Town", "Sally, Irene and Mary", "Happy Land- ing", "Rebecca of Sunnybrook Farm" . . .

September, 1938 . . . Return East . . . Scott signs new contract with CBS. Will create unique "Jazz Laboratory" for net- work . . .

October, 1938 . . . Quintet opens at New York's smart supper club, Le Mirage to shouts of "Bravo".

November, 1938 . . . Headlines on stage of New York Paramount Theatre . . . When last heard from

RAYMOND SCOTT QUINTET
Held Over Third Week

TWILIGHT IN TURKEY A tone poem of a Turkish square at eventide, by one who has never been there. Caravans lum- ber by, a snake charmer charms snakes, aloe-eyed dancing girls whirl in the blue twilight, the muezzin calls the faithful to prayer—hallelujah!

THE TOY TRUMPET A small boy, precocious, plays small fry jazz on his Christmas present bugle.

WAR DANCE FOR WOODEN INDIANS Based on an ancient American legend. In a deserted warehouse in Oklahoma are collected several hundred wooden Indians of the Seegarstore tribe. Twice a year, at midnight, they come to life and dance to a nostalgic music of their own. This is it.

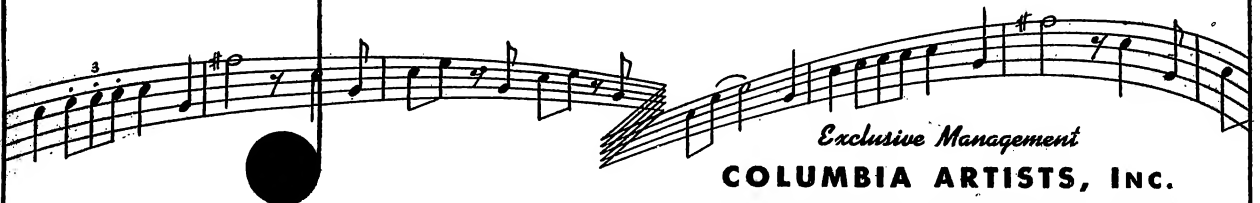
POWERHOUSE Machine age jazz, complete with the whirl of conveyor belts, the throb of dynamos, the sound of hammers on steel. The result of Scott's sticking his head in a powerhouse.

BUMPY WEATHER OVER NEWARK If you've ever flown into Newark Airport, you'll get this straight off—the rising and dipping of the plane . . . the sound of the radio beam . . . the repeated warnings of the hostess "Fasten your safety belts please" which becomes the theme of the mid- dle section.

DINNER MUSIC FOR A PACK OF HUNGRY CANNIBALS You hear the sound of tomtoms as you approach a desert island in mid-Pacific. Through a spyglass you see the boys-gath- ered around a big black pot, playing their music to eat by. Why not?

THE PENGUIN If you'd never seen a penguin except on the cigarette ads, you'd still recognize one that approached you accompanied by this music. Jerky and black and white.

SIBERIAN SLEIGH RIDE You can tell it's a sleigh because of the bells you hear. You can tell it's Siberian by the opening theme which sounds like some Russian folk song or other, but isn't. After that, it's just don't spare the horses.



Exclusive Management

COLUMBIA ARTISTS, INC.
485 MADISON AVENUE, NEW YORK

Saturdays—7:30 P.M. EST—**CBS**
MANAGEMENT MOA

M. EST—CBS

HITZ HOTELS' OPEN DOOR

Max Mayer, Maurice Richmond Form New Jobbing Firm to Start Dec. 1

Max Mayer and Maurice Richmond have again become partners in the music jobbing business. While all the details have been worked out, the actual merger of their jobbing interests won't take place until Dec. 1. Under the terms of the deal the capitalization of Maurice Richmond's Music Dealers Service will be increased, with Mayer buying into this corporation and eliminating his own jobbing setup, the Mayer Music Corp. Mayer will continue as sole owner of his publishing outfit, the Paull-Pioneer Music Co.

Maurice Richmond will continue as president of the jobbing concern. Mayer will become treasurer, while the former's son, Lawrence Richmond, will have the title of secretary and general manager. Richmond's present quarters will be used for the consolidated jobbing enterprises.

Split Six Years Ago

Richmond and Mayer split their partnership six years ago, with the former becoming general manager of a co-operative shipping and sales channel setup by 12 leading publishers. The following year Mayer brought anti-trust proceedings against the Music Dealers Service, Inc., and the supporting publishers. In the middle of trial the majority of the defendants made cash settlements with Mayer and agreed to refrain from joining a similar enterprise for a period of five years. Presiding judge subsequently ruled that the MDS was not a monopoly, but because of the withdrawal of the eight settling publishers, MDS, Inc., as such was dissolved in March, 1934. Richmond took over the physical assets of the MDS and resumed the jobbing business on his own.

Ben Edwards has rejoined Paull-Pioneer as general manager and the concern will continue to operate at its present quarters on Broadway.

AFM'S MARATHON DANCE BENEFIT TO RUN 9 HRS.

In order to facilitate the coming and goings of bands scheduled to show at its annual dance benefit at the Manhattan Opera House, N. Y., next Tuesday (15), Local 802 of the AFM is financing the building of a revolving stage. More than 30 crews will be on hand for the session, among them some of the biggest names.

Probably will be the longest band outing on record, starting at 9 p.m. and lasting till 6 a.m. being stretched out by bands arriving from late closing joints. WNEW, N. Y., will drop its Milkman Matinee for the night and carry the live crews in place of the owl live cuttings.

Larry Clinton May Play Hotel Commodore, N.Y.

Although the Hotel Commodore, N. Y., is a Music Corp. of America booking spot, Larry Clinton may go there around Jan. 10. Clinton is under Rockwell-O'Keefe banner. He closes at the International Casino Nov. 15, a day before opening at the Broadway Paramount. Dickers for Ben Bernie and Abe Lyman to follow him into the International fell through.

Decca Strike Off

United Electrical, Radio & Machine Workers, CIO affiliate, called off the strike at the Decca Record Co. plant Monday (7). The men went back to work on the assurance that Decca would negotiate a contract with the union. No terms of any kind had until yesterday (Tuesday) been discussed. Strike lasted a week.

Pluggers at Heart

Andrews Sisters are in receipt of letter from Charles Wakefield Cadman thanking them for their Decca swing version of 'Land of Sky Blue Waters.'

Cadman turns song pluggers in last paragraph and asks if it wouldn't be a good idea to give his 'At Dawning' the same treatment.

Archie Fletcher Owns Morris Co.; Par Deal Cold

Archie Fletcher last week became sole owner of the Joe Morris Music Co., after negotiations for the purchase of the firm's catalog had been broken off with the Paramount Music Co. Fletcher will operate the firm with his son, Archie, Jr., while Joe Morris has retired to his place in Miami Beach, Fla.

Fletcher came to work for Joe Morris and his brothers in Philadelphia 29 years ago. He has been in New York for the past seven years as general manager and partner. Fletcher had previously tried to buy out the Morris interests, but Joe Morris had insisted that they dispose of the concern to outsiders and retire together in Florida.

Music Notes

Gus Kahu and Harry Warren cuffed 'What Makes the World Go Round,' for 'Honolulu' at Metro.

Eddie Cherkoe, Raoul Kraushaar and Jack Natteford are writing three songs for the western, 'Shine On Harvest Moon,' at Republic.

Sammy Fain is in the Liberty hospital, Liberty, N. Y., undergoing treatment for an attack of double pneumonia. It's his home town.

Arthur Lange doing the music scores for 'Katherine the Last,' 'Ice Follies' and 'Let Freedom Ring' at Metro.

Frederick Hollander and Ralph Freed cuffed 'What Care I?' for Isa Miranda in Paramount's 'Hotel Imperial.'

Johnny Lange and Lew Porter sold their tune, 'Tia Juana,' to Producciones Nacionales de America, to be used in Mexican picture, 'Juan Soldado.'

Kitty Kelly cuffed 'A Motion Picture for Me' as a plug for the Motion Pictures Are Your Best Entertainment drive.

St. Luke's boys' choir of Long Beach recorded typical old English Christmas songs for the score of Metro's 'A Christmas Carol.'

Bernice Petkere and Marty Symes cuffed 'It's All New to Me' for Metro's 'Ice Follies.'

Alice Faye collaborated with Ben Oakland and Sam Lerner on a new ditty, 'I Promise You.'

Mickey Rooney authored 'Have a Heart,' his first attempt as a song writer.

Mills Music, Inc., is publishing the score of 'The Girl from Wyoming,' current revival at the American Music Hall, N. Y.

Ben Carter's ditty, 'Harlem Break 'Em Down,' purchased for Anna Sten in 'Exiled' at Grand National.

R-O-K BOOKING NON-EXCLUSIVE

New Understanding Gives Firm Most-Favored-Agency Clause but Allows Others to Book Directly as Well

MATTER OF SUPPLY

Exclusive rights which Rockwell-O'Keefe, Inc. holds for the booking of the Hitz hotel chain will terminate Jan. 1, 1939. Revised arrangement, which the R-O-K office itself suggested, will make it the preferred source of such bookings. Hitz will now be free to book direct with the Music Corp. of America, William Morris agency Consolidated Radio Artists, Inc., or any of the other band and talent sales organizations in the field.

Understanding which prevails between Hitz and Rockwell-O'Keefe is that the chain will now give the latter first choice in submitting available material. As the result of the revamped relations Hitz will be able to get MCA bands in spots that Rockwell-O'Keefe have not been able to service with its own. MCA had refused for some time after the Hitz-R-O'Keefe tieup to have anything to do with Hitz spots but of late it has shown an inclination to change this policy providing it could contract the business direct.

Rockwell-O'Keefe's explanation for the modification in Hitz relations is that it had found that the old mode of operations economically unsound. Because it didn't have enough bands to go around it had to turn to competitive booking offices for a substantial percentage of the Hitz-placed material. Split in commissions allowed Rockwell-O'Keefe but a small margin of profit. It now feels that it can do much better by itself financially by handling eight or nine months of a spot's bookings from its own list and retailing all the commissions.

Tom Martin, R-O-K v.p., left Sunday (6) on a week's trip with Ralph Hitz.

Davey Tough Departs

Davey Tough, drummer who replaced Gene Krupa with Benny Goodman's band early this year, is out. Tough eased himself out of the Goodman picture when the band opened at the Waldorf-Astoria hotel, N. Y., by forgetting to show up.

Goodman is currently casting around for a skin-beater with enough ability to take over from Lionel Hampton, vibraphone tapper, who took Tough's place for the opening and has been filling in since. Hampton is part of Goodman's quartet, and the latter had to have a new drummer before his Camel broadcast last night (Tuesday). Hampton also filled in when Krupa and Goodman split.

'Working Hours' of Song Pluggers Would Be Tough One for John Law

Counsel for music publishers have advised their clients that the U. S. Wage and Hour law does not apply to their professional staffs since these employees rate as outside salesmen, which class is exempt from the statute's provisions. Publishers do not expect any opposition to this interpretation unless pressure is brought upon the Professional Music Men, Inc., by its membership to start a test case on the hours angle. PMM has so far functioned strictly as a beneficial organization.

Publishers admit that their industry is in a sticky corner. Efforts to get an interpretation of the hours

Phonograph-Publisher Chasm Remains on Coin-Operated Machines; Prefer Status Quo

Double Quick

Hollywood, Nov. 8. Double record in song-writing is claimed by Sam Pokrass and Walter Bullock for the ditty, 'Drink from the Cup of Tomorrow,' written for 'Wife, Husband and Friend' at 20th-Fox.

Under rush orders, Pokrass did the music in 15 minutes flat, and Bullock tied the record writing the lyrics.

3 Goodmanites To Conduct Own Dance Units

Within the next six months the list of bands being handled by Music Corp. of America will be augmented by the names of three of Benny Goodman's star instrumentalists who will acquire batons of their own. Trio slated to lead new crews with the sanction of Goodman and MCA are Teddy Wilson and Lionel Hampton, pianist and drummer in the quartet, and Harry James, first trumpeter.

Hampton, who's currently handling the drums in Goodman's outfit following the exit of Davey Tough, already has a crew under his own name. However, it's strictly a recording outfit. James has been anxiously for his own outfit for some time. He'll be the last of the three to break away from Goodman. Probably early next spring.

Disputed 'Alma' Switched

To Shapiro From Remick

Publishing rights to 'Alma, Where Do You Live?' have switched from Remick to Shapiro, Bernstein & Co. through the renewal of copyright routine. Number for the past several years has been involved in litigation because of the alleged failure of NBC to obtain permission to perform. Adolph Philipp, German-American actor, who wrote the melody and German lyrics of the show tune, claimed that he had never conveyed the performing rights to Remick. He died while the case was in the courts.

Shapiro-Bernstein, which obtained the renewal assignment from Philipp's estate, also has the performing rights to the number. Publishing house likewise got the renewal rights to the English lyric from the estate of George V. Hobart.

Phonograph recording companies have put off accepting the new form of music license until they can get together with publishers on the method to be used in collecting a fee on discs used in coin-operated machines. Policy expressed by these recorders is that they will either go the whole way in accepting the publishers' legal theory that the license to record does not carry with it the right to arrange, or they will reject it in its entirety.

After obtaining the necessary authorizations from publishers, Harry Fox, of the Music Publishers Protective Association, sought to get recorders to admit this legal theory in principle by having their music requirements cleared through a new licensing form. This agreement covered both the accepted mechanical right and the newly advanced right which holds that the copyright law gives the copyright owner sole authority over the making of arrangements of his work. This new form was to apply only to records for home performance. No extra charge for the arranging right was entailed.

Recordings companies now say that they would prefer to go on using the old form for such records so long as there is no meeting ground between the disc and publishing factions on how the special fee on coin-machine records is to be collected. Manufacturers state that the present status is not one of opposition but merely a truce.

FEIST ESTATE IN TWO SUITS

Executors of the estate of Leo Feist with E. F. Bittner, former head of the music publishing house of the same name, filed suit for \$88,500 on the N. Y. supreme court Monday (7) against Metro. Allegation is breach of contract in connection with the sale of the music firm's catalog to the producer two years ago. Amount named in the action is the final payment provided for in the purchase agreement. Executors of the estate are A. S. Gilbert, of the law firm of Gilbert & Gilbert, Bessie Feist and the Fifth Avenue Bank.

Metro regards the suit as a friendly one, electing to have the court determine whether the producer's counterclaims are just. Metro charges that shortly after the sale was consummated it discovered that Feist did not control the first rights to the scores of 'Kid Boots' and 'Rio Rita' as claimed in the transfer papers, nor did it have the renewal rights to certain stipulated copyrights. Also that Feist left debts outstanding which the purchaser had to make good. All these items, Metro contends, constitute a breach of warranty and it wants the vendors to make an adjustment. Final payment on the sale contract was due Oct. 15.

Metro claims that the rights to 'Kid Boots' have been transferred by the former Feist management to Paramount, while RKO got the rights to 'Rio Rita.' The producer thinks that the whilom management forgot about the details of the score transactions when the sale stipulations were drawn up. What it had considered to be individual rights turned out have been blanket rights.

Appellate Division last week ordered the Fifth Avenue Bank, N. Y., to replace the \$60,000 in a trust fund which the late Leo Feist had created for his son, Milton. Court ruled that the bank, as trustee of the fund, had erred in investing the \$60,000 in a guaranteed mortgage when it knew that the property was losing money. Also that the bank had paid interest on the \$60,000 from June, 1931.

Benny Goodman Goes Mozart at N.Y.'s Town Hall; Jivesters Send Out to BBC

The woodhounds have become kinda evil these days 'cause their main guy has gone ahead and put on his long underwear. And it's all due to a fella named Mozart.

At Town Hall, New York, Saturday afternoon (5), Benny Goodman invaded the allegros and the minuets of Mozart with his clarinet and the result was a dead-heat for Goodman and the composer.

There weren't any cats around. In fact there were only a couple of hundred people. And Goodman has swung before thousands, with stomping and diggin' it out a-plenty. Most of those present had never seen the swinger before.

The billing was kinda tough. No Benny Goodman in lights. Just 'The League of Music Lovers presents the Budapest String Quartet and Benny Goodman, clarinet.'

Swing? It's tough going for a swinger to get into cornfed Town Hall, although Carnegie has succumbed, with Goodman's swing concert last winter.

He was actually nervous when he first stepped onto the rostrum. And there were plenty there whose abhorrence of swing was evident. That didn't make it easier. He never looked at the audience.

No solos. He was just a clarinetist, in gray, striped trousers and afternoon frock coat, with the Budapest String Quartet. The quartet were on first in Brahms and Debussy classics. He came on for the final number, Mozart.

It was Mozart's Clarinet Quintet in A Major. There were four movements. Swinging it at the New York Paramount, Goodman could have done it all in one. Yet, he never showed himself to be straining at the leash. The guy looked Town Hall.

Actually, Goodman's invasion of the concert halls must be interpreted as a lark. But the lark has flown a different wing. 'Flat Foot Floogie' met Mozart and it was friendly all the way. At least the audience indicated as much.

Jam Session, a la BBC
Jive fans in swing-hungry England were treated to a 45-minute session of hot sending Saturday (5) when some 18 American swing lords

and just as hot commoners got together in an informal jam session in the Viennese Roof of the Hotel St. Regis, N. Y. Arranged by Felix Greene of the British Broadcasting Corp., and programmed with the assistance of Joe Marsala, who also m.c.d., it was shortwaved via CBS facilities.

There have been other DX broadcasts of the American brand of swing to BBC by name crews, but this was the first invitation shindig in which the cats were allowed to let their ability be their guide. Marsala probably had listed tunes to be played, but outside of that it was a conventional orchestration-less jam session, such as are indulged in after working hours. Eathered at 4 p.m., New York time, it hit England at 9 p.m., with reception reported to be good.

Gathered among the several hundred invited listeners who kept bartenders busy concocting cuffo cocktails, were many notables. W. C. Handy, who was saluted with an arrangement of his 'St. Louis Blues' was on hand, as was Hugué Panassie, French swing critic. Latter was the target for the curious who wanted to ogle his reaction. They weren't disappointed, as M'sieur Panassie often went into spasms of delight.

Having just as much fun and a photographic field day were a flock of cameramen. Lens boys snapped the jitterbug idols from every conceivable position, stopping just short of swinging from one of the cut glass chandeliers for an angle shot.

After 40 minutes of concentrated jamming it was a wonder the roof was still on the Roof. Among those who alternated in trying to outdo each other were Sidney Bechet, Eddie Condon, Bud Freeman, Yank Lawson, Mezz Mesirov, Joe Bushkin, Hotlips Paige, Bobby Hackett, Max Camiskey, Martie Marsala, Pee-wee Russell, Art Shapiro, Jess Stacey, Zutie Singleton, Dave Tough, Joe Marsala and Tommy Dorsey. For the finale the whole outfit got together, excepting Dorsey, who scrambled to a date, to help the local drugstores get rid of their stock of headache powders. In the latter Dave Tough and Singleton on drums got a Mexican standoff trying to knock in their drumheads first.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Oct. 31-6). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Night Is Filled with Music	Berlin	*Carefree	40
My Reverie	Robbins	Pop	40
So Help Me	Remick	Pop	37
Who Blew Out the Flame?	Feist	Pop	34
All Ashore	Shapiro	Pop	31
My Own	Robbins	Pop	30
Heart and Soul	Fisher	*A Certain Age	28
Stop Beating Around the Mulberry Bush	Bregman-Vocco-Conn	Pop	28
I Won't Tell a Soul	Crawford	Pop	27
Change Partners	Berlin	*Carefree	26
On the Street	Chappell	*You Never Know	25
Simple and Sweet	Miller	Pop	25
Sixty Seconds Got Together	Santly-Joy	Pop	24
Lambeth Walk	Mills	Pop	23
While a Cigarette Was Burning	ABC	Pop	22
Angels with Dirty Faces	Chapman	Pop	21
Summer Souvenirs	Bregman-Vocco-Conn	Pop	20
Alexander's Ragtime Band	ABC	*Alexander's Ragtime Band	20
What Goes on Here?	Paramount	*Give Me a Sailor	20
Day After Day	Green Bros.-Knight	Pop	20
Deep in a Dream	Harms	Pop	19
Two Sleepy People	Famous	*Thanks for the Memory	19
I've Got a Pocketful of Dreams	Santly-Joy	*Sing You Sinners	18
Ya Got Me	Lincoln	†U. of Penn. Mask and Wig	17
Old Folks	Remick	†U. of Penn. Mask and Wig	17
When I Go a-Dressin'	Lincoln	Pop	16
They Say	Witmark	Pop	15
You Look Good to Me	Bregman-Vocco-Conn	Pop	15
Is That the Way to Treat a Sweetheart	Olman	Pop	13
Papa	Superior	Pop	13
E. D. R. Jones	Chappell	*Sing Out News	13
You're the Only Star in My Blue Heaven	Shapiro	Pop	13
Girl Friend of the Whirling Dervish	Harms	*Garden of the Moon	12
Don't Cross Your Fingers	Ager-Yellen	Pop	12
Monday Morning	Witmark	Pop	12
What Have You Got That Gets Me?	Famous	Pop	12
Lullaby I'd Give My Life for You	Stasny	*Holly Revels	12
Lullaby in Rhythm	Robbins	Pop	12
What'd You Know About Love?	Maris	Pop	12
Love Doesn't Grow on Trees	Chappell	*A Son's Born	12
If I Loved You More	Words-Music	Pop	11
I've Got a Date with a Dream	Feist	*My Lucky Star	11
Have You Forgotten So Soon	Berlin	*Straight, Place and Show	11
Why Doesn't Somebody Tell Me Things	Shapiro	Pop	11
You Go to My Head	Remick	Pop	10
Small Fry	Famous	*Sing You Sinners	10
I Haven't Changed a Thing	Mills	Pop	10
There's Something About an Old Love	Exclusive	Pop	10

On the Upbeat

Johnny Fortis in Philly forming his own band. Formerly with the Three Naturals on NBC and arranger for Freddie Rich, Johnny Augustine and Nay Wynn.

Ted Oliver into Village Barn, Philly. Also tooting at Snellenburg's department store for Saturday afternoon luncheon. Jack Fleis, former arranger for Isham Jones, filling similar post with Oliver and also thumping ivories.

Dick Ballou, Lee Shelley and William Scotti now being managed by CRA.

Del Courtney taken by William Morris office and renewed at New Kenmore hotel, Albany, N. Y.

Jack Crawford due for third stretch at the Hotel Schroeder, Milwaukee. Band will be heard over WTMJ nightly and will have an NBC broadcast Fridays at midnight on WENR, Chicago.

June Richmond, Negro girl singer, formerly with Tommy Dorsey, will record for Vocalion this week with Cab Calloway's band.

Miff Moe, trombonist, is organizing his own band. Started on hunt last week and wants to be ready in a month. Current with NBC music staff.

Bob Causer's Cornellians at the Club Edgewood, East Greenbush, N. Y.

Low Gardner at White Horse Tavern in North-Troy, N. Y.

Alexander's Swing Band is at The Barn, Coboes, N. Y. Spot now under the management of Jim Armstrong.

Earl Melen into Bill Green's Casino, Pittsburgh, for short stay Nov. 25. First local orch to play that spot, the result of recent agreement be-

New Rash of Payola Celeb Nites

Pluggers See New Circuit Building Up Around Manhattan Spots

tween musicians union and nitery operators which requires latter to use Pittsburgh outfits part of each year.

Four Comiques back in Pittsburgh after summer-long run at White Cap cafe, Catalina Island, and into Club Petite.

Leola Frazier, singer on KDKA, Pittsburgh, for two years, has joined Jack Heller's band at the Half Moon Club in Stubenville, O.

Jackie Heller follows Lawrence Welk into William Penn hotel's Chatterbox, Pittsburgh, when latter ends 13-week stay around the holidays.

Hal Kemp's orch scheduled for one week at the Palace theatre, Milwaukee, starting Dec. 2.

Eddie Camden at Spanish Room of Atlanta's Henry Grady Hotel. Amor Bess is vocalist. Camden was first trumpeter and vocalist with Don Bestor for seven years and had been playing college and university dates in Midwest before trekking south to Atlanta. Band will all sustaining spots on WATL.

Jerry Curran, sax tooter, who left Jan Savitt's KYW house crew in (Continued on page 48)

Rainbow Room Fill-In

Eddie LeBaron will have an augmented orchestra at the Rainbow Room, N. Y., after the holidays to take up the slack during Ruby Newman's Florida sojourn. Newman comes in after Al Donahue current band incumbent, but must drop out for six weeks or so, for a Florida engagement.

LeBaron, regular tango maestro, will thus head both combinations.

Publishers' contactmen are complaining that the spread of the 'Celebrity Night' thing among the dine-and-dance spots this season has made the going tougher than ever for them. Whereas last season they had three such events to wear down their constitutions and endurance powers for problematical entertainment, this time they have to contend with six different 'Celebrity Nights' a week. With the contactmen it's a matter, in most cases, of either showing up with a party at such occasions or doing without a plug from the leaders involved.

As things now stand the only three nights of the week that the publishers' rep can escape the round of 'Celebrity Nights' are Wednesday, Friday and Saturday. With business pretty goods these three nights, 'tis unnecessary for the night spots to resort to pulmotor ideas, and the contactmen are hoping that at least, for their health's sake, that things continue that way.

Schedule of major spots which are exploiting the 'Celebrity Night' angle follows:

Sunday
Paradise Restaurant.
Leon & Eddie's.
N.T.G.'s Midnight Sun.
Monday
Ambassador Hotel.
Pennsylvania Hotel.
Tuesday
Essex House.
Thursday
Casa Manana.
More recent adopters of these special nights are the Pennsylvania, the Essex House and the Paradise.

OLD SONG SUGGESTIONS
FOR YOUR PROGRAMS
JIMMY McHUGH'S
"When My Sugar Walks
Down the Street"
MILLS MUSIC, INC.

BERLIN BULLETIN

The Country's Next No. 1 Ballad

HAVE YOU FORGOTTEN SO SOON?

By Sam Coslow, Edward Heyman and Abner Silver

HARRY LINK, Gen. Prof. Mgr.

IRVING BERLIN, Inc., 799 Seventh Ave. N. Y.

HAWAIIAN SONG SENSATION FROM COAST TO COAST!

A SONG OF OLD HAWAII

By GORDON BEECHER and JOHNNY NOBLE

LEO FEIST INC. • 1629 BROADWAY • NEW YORK

COLLEGE RHYTHM

The first of a series of articles on collegiate likes and dislikes as regards modern dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

PRINCETON

By Allen O. Whipple, Jr., '39
(Daily 'Princetonian')

Princeton still is more or less a Benny Goodman stronghold, but the 'King of Swing' seems to be slipping perceptibly in favor of two other bands, one a veteran combination, the other a newcomer in the big-time circles. Tommy Dorsey and Larry Clinton have a large following among the undergraduate body which is constantly whittling away Benny's lead. Taken as a whole, it seems safe to say that the new Clinton outfit should pass Goodman early this fall and reign at Old Nassau.

Reasons for Goodman's apparent demise are pretty clear-cut. There seems to be no doubt that the Tigertown audience misses the services of Gene Krupa. He gave a certain amount of inspiration to the entire band which we feel is lacking since Gene departed for greener fields. Incidentally, Krupa's band has acquired a minority following which makes its presence felt at the record counter of the Music Shop, barometer of Princeton's music appetite.

Tommy Dorsey probably is regarded as having the most versatile aggregation, with his slower numbers exceedingly popular. 'Once in a While' gave impetus to a soaring in his popularity here, and for a time it seemed that he would outstrip all others, but that was before the meteoric rise of Larry Clinton, who first hit Princeton last February at the Junior Prom, when he introduced his 'Martha' to the world. His rise has been sudden and spectacular. His adherents scarcely hoped that he could play slow, melodic numbers, for they felt that his was an ideal band for straight swing. But when he came out with 'Heart and Soul,' which got rave notices from campus addicts, his ascension at Princeton seems assured.

Fet Aversion

Princeton, it may be said without a shadow of doubt, has collectively one pet hate. Every time 'Swinging Sammy Kaye' gets up to play, the college turns off its radios and swings and sways to bed. Kay Kyser is about as popular as Guy Lombardo, which is practically complete condemnation as far as this New Jersey college is concerned. Why any orchestra leader thinks he can paw off sweet, sentimental stuff—some of it might be technically termed 'swing'—merely by singing song-titles, is beyond the comprehension of the average student here. So we axe this group completely. Ask the Music Shop if you are doubtful.

Princeton students are undoubtedly inclined to favor one particular band—maybe two or three—to the practical exclusion of everyone else. But let any good outfit release a particularly pleasing recording and the news will spread around. Examples of this not too unusual state of affairs may be found in the momentary popularity of several hit tunes played by many bands. Right now, Ella Fitzgerald's 'A-Tisket A-Tasket' is vying with Fred Astaire's 'Change Partners' for the No. 1 favorite. Bunny Berigan, Louis Armstrong, Duke Ellington, Count Basie—even Richard Himber—have had their moments, but these are mere flurries. A Goodman, Dorsey or Clinton recording will be bought without being tried out, whereas the Music Shop's phonograph booths are constantly filled with students listening to a recording of some less popular band.

The 'Jazz Hot' hit this campus about three years ago with hurricane intensity, but there is a noticeable reversion to normalcy. The immortal Bix Beiderbecke is immortal no longer at Princeton. His mad jive is too confusing, too cacophonous, to be welcomed by any but the hardest of fiends, of whom a few remain. The storm seems to be over for the present.

Fables

Princeton proms, dances and house parties usually feature one big-name band—Clinton, Goodman, Dorsey, Norvo, Basie and Himber, who have appeared in the last two years. No human being, we feel, can truck, shag, etc., from 11-5 without cracking, so that versatile leaders are at a premium for all occasions. We like some fast stuff—the more improvisations the better—and some of the dreamier variety. But it must be pretty well mixed. Waltzes and exotic tangos and rumbas seem to be wasted, the more's the pity, for the boys stick to the foxtrot faithfully. Smooth bands, capable of playing swing well, seem to best fill the bill.

Students coming from the Coast tell us that Glen Gray has been laying them in the aisles at the Palomar in Los Angeles, which is good news around here, for he still is immensely popular—or would be if he returned to civilization. Kenny Sargent and Pee-Wee Hunt still rank with Jack Leonard, Edythe Wright, Martha Tilton and Bea Wain as pet songbirds in Jungletown.

But we serve warning on the music world, for what our word is worth, that, provided that the International Casino doesn't ruin him (the Rainbow Room gravely wounded Ray Noble and Glen Gray) Larry Clinton will be on the top of the heap and still climbing before the year is out. Selah.

(Next week: U. S. C.)

John Abbotts Sail

John Abbott, general manager of Francis, Day & Hunter, and his wife are returning to England Friday (11). They came over four weeks ago.

Florida Openings

Meyer Davis books Miami-Biltmore hotel, Coral Gables, and the Roney-Plaza, Miami Beach, Fla.
Opening at the former is Dec. 31 and the latter is to be Dec. 24.

Kyser's Switch

Kay Kyser picked Princeton, Northwestern, Pittsburgh and Colgate to win last Saturday (5) and selected respective schools songs to be played on his CBS remote from the Pennsylvania hotel, N. Y.

Teams lost, so Kyser just pulled a quick switch in dialog and stated he would be different and play for losing teams for a change. At time of broadcast it was too late to get winners' songs.

Band Bookings

Jan Garber, Blackhawk hotel, Chicago, Nov. 11.

Leo Reisman, Rice hotel, Houston, Tex., Nov. 9.

Carvel Craig, Chez Paree, Omaha, Neb., current.

June Crosby's Boyfriends, strollers, Community Coffee Shoppe, Birmingham, N. Y., current.

Jimmy Dorsey to one-nite Carolinas and east Nov. 1-17.

Roger Pryor, Earle theatre, Philadelphia, Nov. 18; Stanley, Pittsburgh, Nov. 25.

George Olsen, Drake hotel, Chicago, Dec. 4.

Paul Kain returns to Wardman Park hotel, Washington, D. C., Dec. 8. Red Norvo, Famous Door, N. Y., Nov. 28.

Grey Gordon stays at Syracuse hotel, Syracuse, N. Y., until Dec. 1. Rolling Stones, strollers, Seelbach hotel, Louisville, Ky., current.

Erskine Hawkins, Big Burley tobacco festival, Johnson City, Tenn., Nov. 12.

McKinney's Cotton Pickers now touring midwest for CRA.

Ran Wilde, St. Anthony hotel, San Antonio, Tex., Nov. 11, two weeks. Frankie Trombauer follows on Nov. 25.

Al Kavelin remains at the New Penn Club, Pittsburgh, until mid-December.

Johnny Hamp one-niting the south for CRA.

Art Mooney renewed at Webster Hall, Detroit.

Three Sophisticates, strollers, Tavern, Steubenville, O., Nov. 8. Eddie Varzos, Eagles ballroom, Milwaukee, Nov. 6. Barney Rapp succeeds, Nov. 13.

Men of Note, strollers, Abraham Lincoln hotel, Springfield, Ill., Nov. 7.

Zig and Zag, troubadours, Commodore Perry hotel, Toledo, Nov. 9, two weeks.

Eddie Camden, Henry Grady hotel, Atlanta, Nov. 5. Jack Gillette follows on Dec. 2.

King's Jesters and Mary Milan, La Salle hotel, Chicago, Nov. 18. Close at Clover Club, Hollywood, Cal.

Jimmy Richards, Lantz's Merry-Ground, Dayton, Nov. 8.

Ted Travers remains at Old Vienna, Cincinnati, throughout November.

Freddie Fisher's Schnickelfritz band open four weeks at the Village Barn, N. Y., Nov. 17.

Emery Deutsch, Netherland-Plaza hotel, Cincinnati, Nov. 17.

Lani McIntire, Book Cadillac hotel, Detroit, Nov. 17, two weeks. Ramona follows on Nov. 24.

Claude Hopkins, Nixon Grand, Pittsburgh, Dec. 24, one week.

Jay Mills, Edgewater Beach hotel, Chicago, Dec. 3.

Tommy Tucker, Bill Green's, Pittsburgh, staying indefinitely. Heard over station WCAE and Mutual.

Tito's Swingtette, signed for Warner short and switch from Lincoln to Edison hotel around Nov. 17.

Lang Thompson succeeds Carl Ravazza at Blackstone hotel, Ft. Worth, Tex., Nov. 9.

Henry Busse opens new Mayfair Club, Tyler, Tex., Nov. 12. He also reopens Palm Isle, Longview, Tex., Thanksgiving Night. One-nites Tom Archer's ballroom circuit in December.

Marvin Frederic opened at Park Plaza hotel, St. Louis, Nov. 5.

Lou Blake stays at Atlanta Biltmore hotel, Atlanta, Ga., until Dec. 4. Chauncey Cromwell into Commodore Perry hotel, Toledo, Nov. 23.

Buddy Fisher, Crystal Terrace, Louisville, Ky., Nov. 24.

Count Basie into Savoy ballroom, Nov. 13 after exiting Famous Door, N. Y. Plays Paramount theatre, N. Y., Nov. 30.

George Hall to Rice hotel, Houston, Nov. 30. Returns to Peabody hotel, Memphis, Tenn., Dec. 31.

Orrin Tucker, Palmer House, Chicago, Nov. 15.

Clyde Lucas, Mark Hopkins hotel, San Francisco, Dec. 12.

Horace Heidt, Hippodrome theatre, Baltimore, Nov. 11. Happy Felton succeeds on Nov. 18.

Imposing Muster of Name Bands In Manhattan This Fall; They Divide Strictly Sweet and Swing

'Milk Bar' Sop for Elders

New milk bar at the Waldorf-Astoria, N. Y., was not created as a press stunt, but is, rather, a diplomatic move on the part of the management.

Figured that opening of Benny Goodman would mean heavy younger attendance. So that parents wouldn't resent kids going to place where likelier is the thing, management decided the milk bar, however unprofitable, would be good policy. Scale is \$1.50, strictly for the kids and biz big.

Hollywood Restaurant

To Rockwell-O'Keefe

Rockwell-O'Keefe has obtained the exclusive band-booking rights to the Hollywood Restaurant, N. Y.

Thomas J. Rockwell, head of the firm, denied the report that he or persons associated had bought an interest in the Broadway spot.

Philly Election Issue

Heated Philadelphia, Nov. 8. Heated election battle between employed and unemployed members to gain executive control of the Musicians' Local got under way here last Thursday following nominations for the annual vote in December. Members in WPA music projects also put candidates in the field for v.p. and secretary.

Joseph Levy, who moved up to the presidency when A. A. Tomei resigned recently to take a Philly Orch job, is not a candidate.

Clem Williams' Air Coin

Philadelphia, Nov. 8. Clem Williams crew, organized by socialite Philly stick-swisher during the summer, did its first commercial airing last night (Tuesday). Played an election night party and broadcast on WCAU for Greystone Wines. Set through Korn agency.

Selda Castle, formerly with Mal Hallett, has succeeded to chirp spot vacated by Patti Morgan, now with Al Kavelin at the New Penn, Pittsburgh.

Dick Wane and Peggy Laclaire sold their song, 'Did You Ever Kiss a Dream Goodnight?' to Davis-Schwenger Co.

Greatest band battle in history of sweet vs. swing is being waged currently with New York the ring. Town is top heavy with stellar name crews of each style, presenting what is probably the greatest collection of located heavy draw outfits ever assembled. There are nine ace sweet bands and 10 swing crews muting and tooting with figure increasing to six more saccharine and two more jammers among semi-names in Gotham hotels and niteries. And—strangely enough—nearly all are paying their own way.

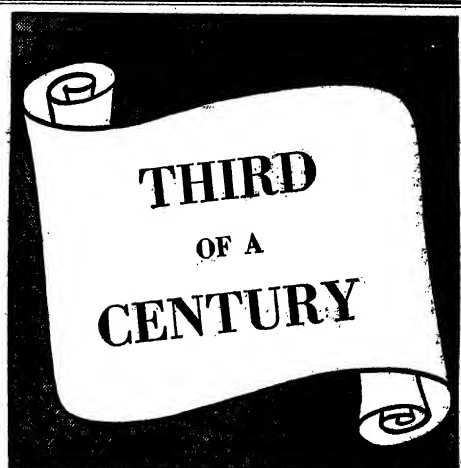
Of that number some have yet to be unveiled while others will shift in the near future. In the sweet category there's Kay Kyser, at Pennsylvania; Sammy Kaye, at Commodore; Eddie Duchin, at Plaza; Richard Himber, at Essex House; Vincent Lopez, at Casa Manana; Russ Morgan, at Paradise, and Al Donahue, at the Rainbow Room. Lombardo returns to the Hotel Roosevelt tomorrow night (10), replacing Roger Pryor, and Horace Heidt returns to the Biltmore Dec. 16, replacing Frank Novak.

Others

Other names are Emil Coleman at the Waldorf-Astoria Hotel; Johnny Messner at the McAlpin Hotel; Dick Gasparre at Ambassador; Harold Nagel at Pierre; and Penn Wayne at the Cafe Loyal. George Hall returns to the Taft Hotel Grill soon.

On the swing side the list leads off with Benny Goodman at the Waldorf-Astoria Hotel's Empire Room; Tommy Dorsey is at the New Yorker hotel; Artie Shaw at the Lincoln Hotel; Jimmie Lunceford at the Kit Kat Club; Fats Waller at the Yacht Club; Cab Calloway at the Cotton Club. Count Basie fades from the Famous Door Saturday (12) and goes to the Savoy Ballroom. Red Norvo and Mildred Bailey replacing Chick Webb debut in the Park Central Hotel's Cocoon Grove Jan. 25. Larry Clinton leaves the International Casino Nov. 15 for his date at the Paramount but will probably replace Sammy Kaye at the Commodore after the first of the year.

Lesser known in the swing contingent are Billy Hicks at the St. Regis Hotel, and Les Brown at the Hotel Edison. On 52d St., known as swing alley, Eddie DeLange opened Monday (7) at the Bandbox with Arland Rollins' trio; Joe Marsala's hot unit is at the Hickory House; Mike Riley at the Troc, and Maxine Sullivan and John Kirby at the Onyx Club.



ANOTHER McHUGH-ADAMSON-DEANNA DURBIN SONG SMASH!

MY OWN

From the New Universal Picture, "That Certain Age"

ROBBINS MUSIC CORPORATION • 799 SEVENTH AVENUE • NEW YORK

Moss Refuses Pleas of Lecture Mgrs.; Will Continue Drive to License Them

Lecture managers will carry on a twofold battle against the New York License Commissioner Paul Moss. Ideas to license the State employment agency law. On the one hand they will fight against classification as agents. On the other, they will sponsor a new state law to clarify the situation in regard to employment agencies, talent agencies, bookers and managers.

Group of the leading lecture managers and their legal reps met the commissioner last week to explain their position. They claim the nature of the lecture business is such that they could not operate profitably on a 10% commission basis. Fees at present range from 25-50%. Moss, however, refused their pleas and indicated he will continue his drive.

Stated by the lecture managers they have been assured that if they will consent to be licensed the commissioner's office would not enforce the provision of the law limiting fees to 10%. However, managers figure once they have been licensed anything might go. In addition, they explain, any agreement not to enforce the provisions of the law would constitute 'compounding a felony and they might be liable to criminal prosecution.

It has been argued by some agency reps that the N. Y. employment agency law limiting commissions to 10% is unconstitutional. Explained, however, that this view is based on a U. S. Supreme Court decision in regard to the New Jersey law. According to David Marshall Holtzmann, attorney for the lecture managers, the New York law was upheld in the case of the *Abbey Employment Agency, Inc. vs. Robinson*, Feb. 14, 1938. Therefore, it's argued, the lecture managers must oppose licensing or be forced to adhere to a straight 10% commission setup. That would involve drastic revision of the whole lecture business.

PHILLY BALLET ACCEPTS THREE MAYHALL WORKS

Pittsburgh, Nov. 8.

Jerry Mayhall, pianist-composer, who has been with Brian McDonald and Jack Logan on a sponsored amateur hour over WJAS for last three years, has just had three compositions accepted by Philadelphia Civic Ballet. Group will dance his pieces in Chicago shortly on joint program with Chicago Opera Co. In addition, Mayhall has been commissioned by Philly Ballet's Catherine Littlefield to do an additional set of numbers for organization's next Philadelphia concert.

Originally pianist and arranger for Phil Spitalny, Mayhall remained here several years ago when Spitalny finished a run at Warner Bros. Stanley theatre, and for a long period he headed music end of WB's production department. When circuit eliminated that end, Mayhall went into radio work and has been active in it since.

Subscription Plan Seen Backing Philly Concerts

Philadelphia, Nov. 8.

Cooperative summer concerts by members of the Philadelphia Orchestra, at Robin Hood Dell, which have been in doubt for next season, will definitely be given, according to Alfred Reginald Allen, orchestra manager. Allen said a subscription plan is now being worked out so that the musicians will each be guaranteed minimums for the eight-week season.

Many were reluctant to play next summer because of the poor returns, principally due to climatic conditions, during 1938. While in the past nine years they have averaged about \$50 a week for the tooting, current divvy figures up to hardly more than half that. Dell was hard hit by the cancellation of 14 out of 40 scheduled concerts because of rain; while threatening weather also cut attendance at many other performances.

Present plan calls for raising of \$30,000 by soliciting \$100 from each of 300 prominent Philadelphians.

Paine to New Orleans

John G. Paine, general manager of the American Society of Composers, Authors and Publishers, left for New Orleans Monday (7) to meet with Dick Powers, head of the organization's special road crew.

After Powers has reported on the licensing condition of the Louisiana territory and certain local situations have been straightened out, Paine will decide on the crew's next move.

CANNED 'FAUST' UNION-OPPOSED

Richmond, Va., Nov. 8.

'Opera on Tour,' a new venture in grand opera, opened a projected tour of the south here at the Mosque LeMay (12), presenting a canned version of 'Faust' but with singers, chorus and ballet. Their performance, including the libretto, is synchronized to the disc score recorded by the London Symphony Orchestra, in which 75 musicians participated.

The tour of 'Opera on Tour,' which emanated in New York and is said to have the backing of Mrs. Harold Lehman, sister-in-law of the governor, has been beset by difficulties since inception. Venture is opposed by the American Federation of Musicians, which is opposed to the use of canned music. Fact that the tour-sponsors expressed willingness to pay for orchestras in each stand, which would not be used, has not changed the attitude of the AFM. Claimed that for the Richmond date no standby orchestra was secured.

Immediately after the Richmond debut, Joseph N. Weber, head of the AFM, advised the tour's management that it would face a fight in every other stand. Stated that an agreement between AFM and the International Alliance of Theatrical Stage Employees had been reached whereby the latter would refuse to handle the stylized settings. There has been a working arrangement between the stagehands and musicians union for some years but just how the opera tour was provided with a road crew in New York, in the face of the AFM opposition, was not explained.

Anticipating trouble from the musicians union, the management is said to have formed an orchestra in N. Y., with Fritz Mahler as conductor.

'Undiplomatic Action' by N.Y. AGMA Charged in Menuhin Issue on Coast

Hollywood, Nov. 8.

Failure of the American Guild of Musical Artists to force Yehudi Menuhin to join AGMA before appearing with the Los Angeles Philharmonic symphony here is blamed by Coast union leaders on 'undiplomatic action' of eastern Guild representatives.

With California on the eve of a state election they claim it was not an opportune time to force a labor issue. Had the move been made two months earlier or two months later, they declare, the American Federation of Musicians would not have permitted its members to play with a non-Guildier. As it was, Frank Tenney, head of the musicians, ignored the tiff, and the orchestra was in the pit when Menuhin played.

Coast tops insist that had the play been made at the proper time and engineered from the Coast, AGMA could have enlisted the support of the musicians, teamsters and other crafts. They say the public has now been given the impression that Menuhin scored a decisive victory over AGMA.

AGMA has intimated that drastic action will be taken against other non-Guilders who are scheduled to appear on program of the Southern California Symphony Assn.

tor. While the tour is routed for one-nighters, it's hoped to show the novelty on Broadway.

Venture is said to have entailed an outlay of \$40,000. There are 50 in the troupe, including a chorus of 20. Several singers fairly well known are in the cast, including Nanette Guilford. Believed that the tour will be continued even though the recordings are ousted. Claimed that settings and costumes are elaborate. So far only 'Faust' is planned for the tour.

Hoofing on %

(Continued from page 1)

does the presence of the Murray unit preclude the necessity of the spot hiring a regular dance team, but instead of paying out money, it actually makes it by their presence.

Trailering Terp School

Pittsburgh, Nov. 8. William Penn hotel's supper dancing spot, the Chatterbox, has gone real swank, engaging a couple of Arthur Murray dancers, Charles O'Connor and Margaret Trusty, to do a few numbers on the floor every night and also offer a bit of free instruction to the customers. Borrowing from Rainbow Room, N. Y., regular feature is champagne lesson, with best male and female ringsides to dance with O'Connor and Miss Trusty getting a bottle of bubble water on the house.

Whole thing's a trailer for dance studio Murray has just opened at William Penn, with O'Connor in charge.

Al Runel to Produce

Schooler Unit; Girl Band

Al Runel is producing a Dave Schooler unit, 'Show of Shows', with the maestro heading a band of 16 femmes.

Unit will include other specialists, among them Harrison Sisters, 3 Willettes, Evelyn Wilson, Garner, Wolf and Hagen, Lillian Lack and Helen Devlin.

Cleve. Symp'h's Fund

Cleveland, Nov. 8.

Will of Dudley S. Blossom, philanthropist, who died Oct. 9, set up a perpetual trust fund of \$375,000 for his favorite cultural and welfare projects, including the Cleveland Symphony.

Orchestra directed by Artur Rodzinski will receive two-fifteenths of the fortune, approximately \$50,000. Blossom was one of the co-founders of its Severance Hall, considered a model symphony hall, and also was a staunch promoter of last year's Great Lakes Expo.

Penn Wayne orchid excited the Cate Loyale, N. Y., Monday (7) for series of one nighters. Band was recently optioned for 30 days by CRA.

Gov. Townsend Proclaims Nov. 13-19 Symp'h Week

Indianapolis, Nov. 8.

Indiana Symphony gets the season under way Nov. 18, with performances Friday (11) afternoon and Saturday night (12). Governor Townsend has designated week of Nov. 13-19 as 'Indiana Symphony Orchestra Week'.

Musical and social activities will observe week in Indianapolis and in 11 Indiana cities in which women's committee units of the Indiana State Symphony Society have been organized.

Orchestra, which languished for years, is getting strong play since Fabien Sevitsky took over baton last year.

Johnny Lange and Lew Porter sold two songs to Equity Pictures for the film, 'The Great Diamond Scandal.' Ditties are 'Git Along Mule' and 'Jitterbug Craze.'

Harry Warren and Gus Kahn turned in four songs for Metro's 'Honolulu.' Ditties are 'What Makes the World Go Round,' 'This Night,' 'The Leader Don't Like Music' and 'Honolulu.'

15 Best Sheet Music Sellers

(Week ending Nov. 5, 1938)

*I've Got a Pocketful of Dreams.....	Santly
While a Cigarette Was Burning.....	ABC
My Reverie.....	Robbins
*Two Sleepy People.....	Famous
*Heart and Soul.....	Famous
Lambeth Walk.....	Mills
All Ashore.....	Shapiro
*My Own.....	Robbins
*Alexander's Ragtime Band.....	ABC
*Small Fry.....	Famous
At Long Last Love.....	Chappell
Summer Souvenirs.....	Bregman
*What Goes on Here in My Heart.....	Paramount
*Change Partners.....	Berlin
Stop Beatin' Round the Mulberry Bush.....	Bregman

* Indicates film musical song. † Indicates stage production song. The others are pops.

Inside Stuff—Music

Professional heads of several publishing firms are seething at the tactics that a name band leader is using in an effort to get his number to the weekly compilation of network plugs. They claim that because of the sustaining spot he occupies nightly on a network schedule he has been able to prevent two leading tune contenders from getting on the same link within four-hour periods the same evenings.

Knowing that the web's rule ban repetition of the same number for a period of two hours, this leader lists the rival top numbers on his program far in advance with the result that they are knocked off the programs submitted by the bands preceding or following. Just before he is to go on the air this songwriting leader eliminates the two rival tunes and substitutes others. But the damage is already done. He not only includes his own number on every one of his own programs, but he has developed a systematic method of swapping plugs with other songwriting or publishing leaders which further aggravates the burn among songpluggers.

Depositions were taken in New York last week in the civil suit for damages that Shapiro, Bernstein & Co. has brought against the Riegel Cigar Stores in Indianapolis in connection with alleged retelling of contraband song sheets. It's a Federal court action. Shapiro-Bernstein tunes included in the songbook were 'So Many Memories,' 'I Double Dare You' and 'The One Rose.'

Harry Woods was among those whose depositions were taken. Woods, who wrote 'So Many Memories,' was due to sail for England within the week.

Shapiro, Bernstein & Co. yesterday (Tuesday) reminded the publishing trade by registered letter that it holds the copyright to 'I Found a Peanut' which Bob (Hilbilly) Miller had published in September, 1933. Reason for the notice was to stop other pubs from getting inspirations from the gag use of this title in several recent installments of the 'Harold Teen' cartoon. Latter has also made use of part of Miller's lyric, but without crediting the writer.

A book of sophisticated song material (risque lyrics) used by the Dwight Fiske, Eddie Davis, Jack White, et al., is being planned by Al Wilde. Figured that some containing choicest and most regularly used ditties of name naughties would serve as a material protection device since book could be copyrighted. Such special song material is innuendo and although likely to cause controversial comment, would be permissible in book form.

Would include comment, pictures and brief biogs of those listed. Attempts are being made to interest such names as Nan Blackstone, Frances Maddux, Louella Geer, Beatrice Lillie, et al.

Election outcome yesterday (Tuesday) that had the music industry much interested was that involving Senator Ryan Duffy of Wisconsin, running for another term. Senator Duffy is rated as one of the most vigorous and unrelenting critics of the American Society of Composers, Authors and Publishers as far as Washington circles are concerned. He was the author of the copyright bill which passed the Senate two years ago but which died in House committee when copyright ranks rushed to the attack. Latter had been taken unaware by the Senate's action.

Edwin H. (Buddy) Morris, head of the Warner Bros. music publishing combine, has become a dairy farmer on the side. He has bought a 300-acre dairy farm in Lakeville, Conn., plus a herd of 40-odd cows. Instead of peddling the milk on a per quart basis, Morris proposes to sell it in bulk to one of the big milk distributing companies. He took possession of the lactine layout Monday (31).

Clarification of Bert Feldman's contractual claims on the old Irving Berlin songs (when Waterson, Berlin & Snyder first published) is back of the negotiations still on for settlement of the London music publisher's claims on 'Alexander's Ragtime Band.' Rather than pay a settlement fee, Berlin, Inc. and 20th-Fox wanted the rights adjudicated, and then settled or compromised.

On the Upbeat

(Continued from page 46)

Philly to join Bob Crosby, has returned to the home town again. He's in the new combo which is taking Savitt's place at KYW, while the shuffle-music maestro works at the Arcadia-International.

Artie Shaw makes a Warner Bros. short week of Nov. 28. Bows on Old Gold radio show (NBC) Nov. 20 replacing Larry Clinton.

Benny Carter preems new group at Howard theatre, Washington, Nov. 25.

Milton Pickman, personal manager of Ted Lewis, has joined the Rockwell-O'Keefe office.

Red Nichols has switched from MCA to Rockwell-O'Keefe office.

Belle Laylan and Tom Richley, drummers with Paul Whiteman, to

be ballyhooed Nov. 15 with Old Drum whacky firm's 'drummer of week award.'

Al Roth has opened his own office though still associated with Rudy Vallee.

Sidney Bechet, soprano saxer, signed by Irving Mills. He's boy praised as best in swing by Hugues Panassie.

Cozy Cole, drummer, has joined Cal Calloway's band replacing Leroy Macey.

Jimmy Dorsey follows Tommy Dorsey into the Hotel New Yorker, N. Y., June 11 or 18. Rockwell-O'Keefe booked.

International Casino is replacing Larry Clinton Nov. 20 with a nine-piece French band.

Noble Sissle opens Nov. 25 at Billy Rose's Diamond Horseshoe in the Paramount hotel, N. Y.

Philadelphia Sings the Niterly Blues; Business Worst Since Prohibition

Philadelphia, Nov. 8.

After a good start this season, niteries here have sunk to lowest business since prohibition. Smaller spots, outside the center of the city, are holding up better. Too, there haven't been the usual new openings, while many niteries are shutting down more rather than renewing their \$725 licenses.

Midtown cafes, however, are looking forward to the coming weekend to be one of the biggest of the season, as there are two traditionally big grid contests here. Penn plays Penn State, and Temple is up against Villanova, which should bring a flock of people into town. After that, though, there's very little to look forward to, for that's Temple's last home game and Penn doesn't meet another opponent until Cornell, on Thanksgiving Day.

Names being provided by Jack Lynch at his Walnut Roof are also figured to have "hurt spots" here. Lynch has been spending heavy cash on his show and, until a few weeks ago, was packing them in. But recently trade there has slipped, too. Other niteries operators claim Lynch has spoiled niterly-goers by making them expect a sock show in addition to food and drink.

With practically no transient trade and but a small group of regular goer-outers to depend on, proprietors maintain that names and big shows are an unprofitable luxury here. Despite the big grosses in his no-minimum, no-cover spot, Lynch's profit isn't figured to be commensurate with his investment and the chances he takes on guaranteeing salaries.

FRANCES WILLIAMS SET; MOVE 52D SPOT

Frances Williams comes into the Troc, new 52d street spot, with Mike Riley's band ("Music Goes Round") when George Hamilton and Roy Caswell open it soon. Hamilton opened many other 52d street bistros, operated them and then sold out.

Jack White's Bandbox, at No. 20, right next door to White's Club 18, has Frances Faye, Adrian Rollini Trio and Eddie Delaney's orchestra.

The 52d street spots are emulating the stunt Music Corp. of America and Benny Goodman did on behalf of Count Basie, colored band at the Famous Door. Goodman and MCA own part of the Basie band, so they invested in showcasing it at the Door; they put in a race and now Basie is slated to open at the Broadway Strand and other houses, at fancier figures.

Will Rockwell has The Three Peppers coming in at his Mammy's Chicken Farm, augmenting Bob Howard and Billy Daniels.

Neal Asks New Trial In Det. Assault Case

Detroit, Nov. 8. Given a recent one to four-year sentence for felonious assault, Edgar Neal, former police censor and niterly songster here, has filed for a new trial.

Neal's petition charges that "newly discovered evidence indicates a conspiracy between the complainant (Neal's wife) and her lover." Affidavits linked Mrs. Neal, former burlesque performer, with Lowell Bernhardt, operator of Blue Lantern niterly, where Neal is alleged to have fired two shots at his estranged wife. Only persons friendly to Bernhardt were permitted by the state to testify at his trial, Neal charges.

Ben Blue's Dates

Ben Blue comes east shortly for vaude personals. Comedian opens at the Palace, Cleveland, Nov. 24 and follows with the Palace, Chicago, Dec. 9.

Probably will be booked into houses further east but none has been set as yet.

JOYCE HEADS CHI CAFE

Chicago, Nov. 8. Fred Joyce has been appointed manager of the swank Gold Coast room of the Drake hotel here.

Nazi Finance

Corpus Christi, Texas, Nov. 8. Ginger Johnson, hometown kid now touring Europe doing a specialty with a Georgie Hale troupe, has written her mother here that she's feeling the Nazi squeeze.

"I am so sorry I won't be able to save much in Germany," hoover writes. "If you earn a salary here, you must spend it all here, except about 10% that must be changed from German marks into American dollars, and then if you have \$20 worth of marks, you get only \$16. The German government gets the rest for making the swap."

Gal's specialty number is a dance tagged, of all things, "Dove of Peace."

N. Y. COPS TONE DOWN CAFE SHOWS

Usually quite liberal on such matters, the New York gendarmerie, acting on squawks registered at headquarters, have been making the niterly rounds to tone down the nudity and alleged dirt. Greenwich Village and Times Square spots are the prime offenders.

New departure in penalizing is an off-day, such as Sunday or Monday—the cops are being quite lenient that way, at least for the present—but fear that the publicity will react negatively once word gets around that the spice has been denatured.

The managements figure to get by the hiatus by an announcement that "redecorations" made necessary closing down a day or two, but over the weekend it got out that the International Casino and N.T.G.'s Mid-night Sun were thus penalized, among others. Former for nudity; N. T. Granlund's spot for customers mixing with the girls in the show.

George Olsen Expects To Heal Rift with Shutta

Pittsburgh, Nov. 8. George Olsen, at the Stanley theatre this week, has confided to intimates that he expects a reconciliation with Ethel Shutta within next few weeks. Couple announced their separation recently after being married more than 14 years.

Understood Stanley management had approached Miss Shutta about appearing here with Olsen. She was first agreeable but turned it down at last moment, fearing that newspapers might claim their separation was framed for b.o. purposes.

Set K. C. Youngsters

Kansas City, Nov. 8. Yvonne and Frederick Githens, top team of local youngsters, are set for spell at the Black Hawk, Chicago, beginning Friday (11), with Jan Garber's show there. Bill Stein, rep for Music Corp. of America, booked when he was through here recently. Brother and sister have worked in productions at the local Tower theatre and have done some nite spots here. Gal was a member of the house line, the Adorables, until leaving.

RICHMEN'S DANCERS

Raye and Naldi, the ballroom dancers, are set for the opening show of Harry Richman's new niterly in the Delmonico hotel, New York, when it premeers around Dec. 1. They're in for six weeks with optional also Adelaide Moffett and Joe Rines orchestra.

Draper Going Back To London in Spring

When Paul Draper returns to the Cafe de Paris, London, next spring it'll be for six weeks instead of the three which he recently finished at the niterly. Draper, who's said to have received \$1,250 per during the niterly booking, his first date abroad, was urged to stay another three weeks, but had a prior commitment to appear in the Sport team of the Waldorf-Astoria hotel, New York, in which he opened Thursday (3).

Draper is down for four weeks at the Waldorf, reportedly at \$1,500 weekly, with options. After his London date, which opens April 12, he hies coastward for Samuel Goldwyn, to whom he's contracted for a picture next June.

PHILLY AGENTS FIGHT PERMITS

Philadelphia, Nov. 8. Philadelphia agents will refuse to renew their State licenses when they expire shortly. Entertainment Managers' Assn. will dare local enforcement officers to pinch members so that they can bring the whole matter of licensing and enforcement into court.

EMA claims that the law governing agents, which went into effect in September, 1932, after an editorial campaign by the Philadelphia Inquirer, is ignored. By State agencies assigned to put it into force. Licenses will be renewed by the agents on the basis that they are getting gyped out of the \$100 certificate fee, plus a bonding fee. EMA maintains its members are carrying out their part of the law by getting the licenses and it's up to the State to see every "boob" has the necessary permit. In this way it's hoped to force out chiselers and curbstone bookers.

PLANS 250-ACRE FARM FOR CAFE-RANCH, SPORT

Pittsburgh, Nov. 8. Freda Hope Hess, veteran niterly owner here and now operating Plaza cafe downtown, plans to convert 250-acre farm near New Kensington, about 15 miles from downtown sector, into large roadhouse, dude ranch and sports center next summer. Construction expected to get under way in a few weeks for an opening around Decoration Day.

Idea would be to have a dance pavilion big enough to handle name band crowds occasionally, with cabins for weekly guests, bridge path, swimming pool and tennis courts. Mrs. Hess' husband, Eddie Hess, who is associated with her at the Plaza, will be in on new project, too.

Lucienne-Ashour Held At Ellis Island; Miss Show

Lucienne and Ashour, mixed French acrobatic team, missed the first show Thursday (3) at Loew's State, New York, when they were held up at Ellis Island awaiting bond. Their boat arrived Thursday morning, but before the William Morris agency could get them out of immigration headquarters, the State's first performance had ended.

They went on at the second show, sans orchestra rehearsal. This is not their first visit to America, having been over two years ago at the French Casino, N. Y.

Sally Dopes It Right

Hollywood, Nov. 8. Sally Rand was fined \$100 in L. A. court for attack on candid camera pests.

She figures the front page publicity during the trial was worth 100 times that to her engagement at the Biltmore Bowl.

SWEENEY'S NEW PARTNERS

Chicago, Nov. 8. Bud Sweeney, former cafe m.c., is now a member of the Ross, Pierre and Sweeney turn, replacing Joe Schuster, who has left the act to go to the Coast.

Turn has been signed for opening bill at Oriental Nov. 18.

RKO Mulls Boston Vaude Return; Cleve. P.A.s Set After Losing Pic Try

SNAG ON CHI VAUDE

State-Lake's Operators Undecided on Shows Due to Oriental Tieup

Chicago, Nov. 8. When the Oriental reopens on Nov. 18 on vaudefilm policy for Jones, Linick & Schaefer it will mark first time since house was built that it will be under management other than Salaban & Katz. Freddie Bartholomew will headline initialer.

What disposition will be made of J.L. & S-B & K. tieup in the State-Lake has not yet been decided. According to deal on house, which is owned by B & K. and operated in partnership by J.L. & S., either side can cancel deal on 60-day notice.

B & K. has offered J.L. & S. the chance to continue present agreement on State-Lake if J.L. & S. would keep a vaudefilm policy in the house. However, it's understood that J.L. & S. contract with the Oriental's owners contains clause calling for the J.L. & S. relinquishment of vaude policy in the State-Lake.

3 PHILLY CAFES CITED IN RUM VIOLATIONS

Philadelphia, Nov. 8. Licenses of three more Philadelphia spots, making a total of more than 35, were suspended by the Pennsylvania Liquor Control Board last week. Like most of the others, they were lifted for 15 days and the spots had the option of paying fines in compromise. By paying \$10 for each day of license suspension, they may stay open.

Latest to fall were the Ubangi Klub, now the Village Barn; 20th Century Tavern and the Club Del Rio, in suburban Manoa. Practically all suspensions have been for selling liquor after midnight curfew on Saturdays.

Twentieth Century, in addition to selling booze after hours, was also charged with presenting entertainment after Saturday midnight. No separate action was taken by the board on this, but since it was an entirely new complaint and one that could have wide repercussions, niterly operators are exercising more caution.

It has long been the practice of spots here to present a final floor show any time between Saturday midnight and 2 a. m. Sunday. Presenting it before then would be useless, as many people coming from film houses and theatres don't get in until 11:30, or later. Music always continues until at least 2 and there has never been any complaint by the board on that score, although it should officially end at 12.

RKO is mulling vaude for Boston, with Charles Koerner, division manager, currently trying to line up bookings. Opening date not set, nor will it be until Koerner has contracted for four definite b.o. shows in succession.

Boston has been without stage shows for some time now. Paramount pulled shows out of the Metropolitan there last year, while RKO has been playing straight pictures in its two deluxe houses, Keith's and Memorial, since early last spring.

RKO is also resuming vaude in the Palace, Cleveland, Friday (11) after four weeks of an all-film policy that's been consistently in the red. House dropped the stage end when unable to get successive names.

Gypsy Rose Lee unit is slated for Nov. 18, six days only, allowing house to shift into a Thanksgiving Day opening. Ozzie Nelson and Harriet Hilliard added to sked for Dec. 2, followed by "Boys Town" unit. Maestros set are Ted Lewis, Kay Kyser, Eddy Duchin, Hal Kemp, Ben Bernie, Bob Crosby, Tony Martin and Sammy Kaye.

Cincinnati, Nov. 8. RKO Shubert, Cincinnati's lone vaudefilm theatre, opens stage season Nov. 18, following two-week run on "Drums" (U.A.). For flesh addition, scales will be upped from 35-42c pop picture scale to a 60c top. Initial stage show will have Don Bestor's and Clyde McCoy's orchestras in a "battle of music." Among supporting acts will be Fenwick and Cook, and Johnny Woods.

Philadelphia, Nov. 8. Morris Wax understood about to reopen the Lincoln here with colored vaude. Also reported that Eddie Sherman and Sam Stiefel, bookers who operate Fays, will open Nixon's Grand with vaude.

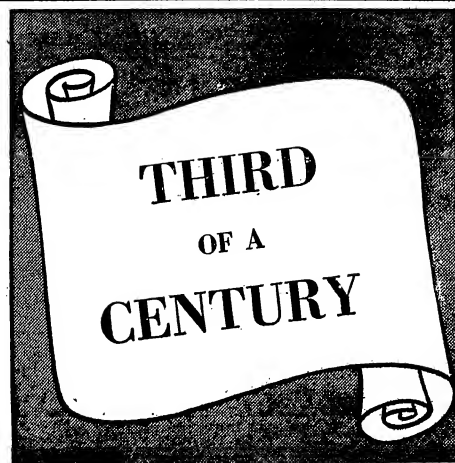
CHEZ PAREE, CHICAGO, SIGNS FOR CLOSED SHOP

Chicago, Nov. 8. Chez Paree here has signed closed shop agreement with the American Federation of Actors. Went into effect Thursday (8) with the opening of new show headlining Jimmy Durante.

Joey Jacobson and Mike Fritzel, co-operators of the Chez, had been in intermittent confabs with AFA rep Guy Magley for several weeks on the contract.

Niterly Dancer Loses Suit For 3G Vs. Syracuse Hotel

Syracuse, Nov. 8. Action brought by Emma Laska Stelmach, dancer, for \$3,000 from the Hotel Syracuse for injuries she claimed were suffered while she performed on a temporary stage in the hotel, was dismissed by Judge Patrick J. Ryan in municipal court. Court held the knee injury "was more apt to have been caused by the twisting in her acrobatic dancing than by a defective platform."



NEW ACTS

LUCIENNE and ASHOUR
Acrobatic
4 Mins., Full
Loew's State, N. Y.

This is an import from France and should be a welcome addition to American talent ranks. Mixed team is presenting a definite novelty of particular audience potency. They're young and nice-looking.

Start out like an apache dance team, but it's strictly knockabout acrobatics. Male first gives the femme a tossing around, but act winds up with the gal boffing her partner, even utilizing a tin tray, which is more noisy than painful. There's no wasted motion, the pair committing plenty of mayhem and performing some striking tricks in the brief time they're on.

They impress as a standout possibility for cable work; the classier the spot the better. They were brought over two seasons ago by Clifford C. Fischer for his French Casino, N. Y. Scho.

JITTERBUG CHAMPIONS (6)

Dance Flash

8 Mins.

Mayfair Club, Boston

Because of a tremendous press buildup through their winning first three places in the New England jitterbug contest sponsored by the Boston Evening American, these kids are sure-fire in the home town.

Introduced separately by Joe Rines, bandleader, acting as m.c., the teams repeat the stuff which won them their respective prizes (and this booking) at the big jamboree. Third prize team (William Mancuso and Maureen Cunningham) work first; then the second prize duo

(Frank and Mae Vassett), and finally the New England champs, Jimmy and Margie McGinley.

Although the fast-and-furious jitter stuff is okay for the customers, it loses some of its ludicrous effect at close range. Of the three teams, the Vassett show far more possibilities than the others. Foz.

GWEN WILLIAMS

Songs

8 Mins.

Glass Hat, N. Y.

Gwen Williams is billed as 'song-bird of the south,' kinda off-the-cob on the face of it, but there's nothing corny about her warbling. She's a personable songstress, permeating a sort of wholesome s.a., which qualifies her particularly for intine work on cafe floors.

She does two pops, both in strong style, notably 'So Help Me,' and gets over well.

There's an extraordinary demand for moderately-priced personalities of her type right now among the niteries, and she should ride the crest nicely. Abel.

THE BACHELOES (4)

Comedy, Songs

10 Mins.

Glass Hat, N. Y.

Male quartet has been playing around in the hotels, cafes, etc., and evidences good floorshow presence, each, of course, likewise commends them for the variety rostrums. Bob Rice and Bobby Berger are alumni of George Olsen's original band, and their two partners are equally effective with their comedy lyrics.

Boys work sans upright mike, using individual lapel amplifiers instead, which is in itself a good idea. They're dapper in well cut dinner jackets and have a good assortment of crisp lyrics, only one of which, the gob air, borders on being too salty.

They work around a portable upright piano, but the accompanists alternate to make for a zingy pace throughout. Abel.

PHYLLIS COIT

Sings

10 Mins.

Stanley, Phil.

In 17-year-old Phyllis Coit, George Olsen has a real vocal comer. Cute youngster has everything real top-notch, as well as a set of p.p.'s, real musicianship and a sure sense of rhythm. Gal's of the species that went out with two-a-day, the type of singing performer who could step out as a singing single next-to-closing and stop the show.

Reveals lots of training for a tyro and with a little more polish and easier physical bearing should go plenty far. Kid handles ballads like a veteran, hitting the bulls-eye every time out, and knows the special material ropes, too. Somebody

who knows show biz has taught Miss Coit plenty, for youngsters don't come by this sock style naturally. Did five numbers here and crowd couldn't get enough of her. Cohen.

HELEN REYNOLDS' SKATING GIRLS (8)

5 Mins.

Casa Manana, N. Y.

Very fast roller-skating routine is offered by Helen Reynolds' troupe of eight girls. Excellent act for floor shows or theatres.

The girls feature work in which endurance figures importantly, a few of the girls having routines in which they handle partners in fast pivoting and other work. Girls make a nice appearance and are tastefully costumed. They perform as if they've been around for some time, although not in the New Act files. Char.

DELLA LIND

Singing

9 Mins.

Casa Manana, N. Y.

Della Lind, from the other side, was signed for pictures by Metro a year ago, but did not appear on the screen. This is her first Broadway engagement.

A tall, glamorous type, she is a soprano of good range who specializes in Victor Herbert music, but also sings in French. She is doing three numbers on her debut here and proves a hit of good-sized proportions. Char.

MASSEY and MILLER

Dancing

10 Mins.

Stanley, Phil.

Youthful looking dance team has a nice style, doing class ballroom routines in tap time, but kids need a little more novelty in the numbers. Have an easy, graceful manner and dressed in tails and satin evening gown Massey and Miller make an attractive appearance and an eye-appeal for any stage. Gal has a tendency to swing her arms around a bit too much, however, and it detracts just a bit. Not just hoofers and not entirely ballroom tappers either, but a satisfactory combination of the two. Footwork should be a trifle more extensive and they should cook up some fireworks for the relief session. Possibilities, but they need development. Cohen.

• 15 YEARS AGO •

(From VARIETY and Clipper)

Walter Miller, old-time Biograph favorite, tried out a playlet at the American. One of his support stole the show.

Tom Smith, at the N. Y. Palace, announced that after the performance a red hot stove would be brought on the stage. With his mouth full of water, he would sit on the stove until the water boiled. No one stayed to see. Weldonas, on the same bill, had an unusual trick. One of the boys was catapulted into a headstand without either man using his hands.

Howard Kyle at the Riverside in a new playlet pronounced the worst ever. Record had been held by Lynne Overman, but Kyle took the reverse laurels.

Election week and the shows were mostly off. Managers figured they would get 'em, anyway.

Leo Reisman's orch at Keith's, Boston, got a big buildup from his photograph connection, the Columbia.

Bert Fitzgibbon and his brother Lew the hit of the bill at the Chi. State-Lake.

Newspaper publicity given the Hollywood studio shutdowns was hurting business all over the country. Gave the idea here must be something the matter with the pictures, and they stayed away.

Ohio censors barred Chaplin's 'Woman of Paris,' requiring drastic cuts before re-reviewing.

Reported that Zukor and Lasky were about to split. Didn't happen then. Trouble was over 'Ten Commandments.'

Wagnerian Opera Co. got \$90,000 in 21 shows at Great Northern, Chicago. Shuberts rented the house for \$60,000 a week.

Tom Heath (McIntyre and Heath) suing the Shuberts for the continued use of his name after he was forced to leave 'Red Pepper.'

After smashing the Albee edict against doubling into nite clubs when a headline was badly needed for the Palace, Van and Schenck got several other Keith dates.

Nitery Reviews

GLASS HAT

(HOTEL BELMONT-PLAZA, N. Y.)

Val Olman Orch. The Bachelors (4), Gwen Williams, Diosa Costello Orch, Glee Club.

The Belmont-Plaza is the latest in the Ralph Hitz hotel chain, and it has everything Hitzian about it in the way of menus, characteristics, etc., but the service and the food. Show is part of the Hitz hotel chain, so that the acts can work several months, rotating from here to New Orleans and Dallas and up through the midwest.

Val Olman's orchestra and Diosa Costello's good rumba combo are the mainstays, with The Bachelors (New Acts) and Gwen Williams (New Acts) rounding it out. Olman has heated up his dancipation yet he knows how to mix in a waltz and tango. Costello's band comes in at 9 o'clock for the relief session.

The Bachelors are 50% alumni of George Olsen's band, Bob Rice and Bob Berger having long been with that band. They tick nicely on a Cafe floor. Gwen Williams is also notable for songalogy.

The colored waiters double into a glee club with standard nostalgic ballads from Dixie. Their service is all right, but the meal in which the ofay captains wear out the customers, by taking them through a little road work—all as part of the deal not to give you the more desirable tables, although empty—is something which Max, headwaiter, at the companion Hotel New York-er wouldn't countenance. Jack Shutta, brother of Ethel Shutta, is in charge of the room, from the greeter-host standpoint, but otherwise has no control. Abel.

VOGUE ROOM

(HOLLANDEN HOTEL, CLEVELAND)

Cleveland, Nov. 2.
Eddy Brandt Orch, Jean Travers, Bernhardt & Graham, Romany Trio, Jules Mendelssohn.

Eddy Brandt's orchestra is what the Vogue Room's new show is to vermouth and gin are to a properly mixed martini. Hollenden Hotel's bands are usually blandly conventional, but not so here. As successor to Sammy Watkins, Brandt's crew has enough zing and showmanship to needle hostelry's business up to nearly holiday levels. Nut is over average.

Half of the current fandango's running time is allotted to Brandt's vocal quartet. Like their music, harmonizing has a buoyant lift, but neither gets scattish nor in the customers' hair. That the composer-maestro of the co-operative outfit knows how to make a clef do a nip-

up is evident in clever arrangements of familiar ditties.

Jules Mendelssohn, although a mugger with boundless energy, throws it skillfully into four improvisations. Mimley catches the whimsical idiomatic flavor of Bob Burns. Durante takeoffs are ancient history, but he sells one with gaggles. Also brings back George Givot for more well-placed ribs. Even if he hits below the belt once or twice, there's freshness to a W. C. Fields portrait, uncanny character painting and expert continuity through all his caricatures.

Held for a third stanza, Bernhardt and Graham offer two new ballroom routines, but it's their grace that counts most. Jean Travers's lower range isn't as effective as her higher mezzo-soprano notes, but she registers with looks and 'Will You Remember.' Romany Trio, strollers, fill in interludes competently. Pullen.

CHEZ PAREE

(CHICAGO)

Jimmy Durante, Ruth Petty, Lois Harper, California Varsity Eight, Maurice & Maryea, Line, Lou Bress Orch.

Two headliners on this bill, Jimmy Durante and Fred Evans, though the name of Evans doesn't appear in lights. He's the producer, but he scores in spite of the lack of billing. Durante scores ten opening night (3) though the first night mob here is traditionally cold. He was on for 30 minutes, and forced to return again and again, finally having to beg off on the excuse that the orchestra had run out of music. It (Continued on page 61)

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CURRENTLY

DRAKE HOTEL, CHICAGO

CAFE OPS ASSN., PHILLY, SEEKS ASCAP EASE

Philadelphia, Nov. 8. Readjustment of the levy on niteries by American Society of Composers, Authors and Publishers is the first subject on the agenda of the new Night Club Owners Assn. of Philadelphia, now being organized. Relationship of the spots with the American Federation of Actors which recently acquired a local here, will also be considered soon as the ASCAP situation is thrashed out.

Joints are beefing about what they claim are unequal terms demanded by the performing rights society. They will ask that a definite scale be set up and royalties assessed at so much a seat, similar to the way theatres are treated. It's charged that ASCAP arbitrarily sets a figure for each spot, paying no heed whatever to size or grosses.

Stanley Carroll, owner of the Yacht Club, who's spokesman and organizer for the new assn., declared there's no objection by niteries owners to paying the royalties if they are equitably assessed. He had a confab on the matter yesterday (Monday) with H. A. Brown, ASCAP's Philly rep, who indicated that an adjustment could be made.

Regarding AFA, niteries ops are demanding that the union adopt some means of classifying and controlling acts. They want poor turns tossed out, because, it's claimed, over-enthusiastic agents continually are selling them acts that fail to live up to specifications.

Third meeting of the niteries ops, to elect officers and get officially under way, will be held tomorrow (Wednesday) at the Hotel Walton.

"ANYONE KNOWING THE WHEREABOUTS OF THE heirs of James R. Walker, born Brooklyn, New York, about eight years ago. Formerly an operator of Punch and Judy shows on the Orpheum Circuit. At one time appeared in Museums and small town vaudeville in the midwest and neighborhood theatres. Interested in knowing the whereabouts of a brother who was last heard from about fifty years ago. Communicate with Martin J. O'Brien, Public Administrator, 134 North La Salle Street, Chicago, Illinois."

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NEW YORK
CHARLES V. YATES

Burlesque Reviews

CASINO, PITT

Pittsburgh, Nov. 2. 'Silk Stocking Revue' unit with Billy Hagan, Billy Fields, Sunny Lovett, Lillian Harrison, Johnny Cook, Irving Karo, Tony Romano, Joan Mavis, Joyce Breazelle, Line (16).

Extremely doubtful if any burlesque show here in years has ever gone so far for laughs. Nothing lily-white expected of comics in this branch of show biz, but there should be limits. Sketches were just suggestive—they're downright vulgar.

Strippers got the official ax couple of years ago, and comedians will soon find themselves reduced to Fat-and-Mike jokes if they don't exercise a little caution. Chief offenders are Billy (Cheese-and-Crackers) Hagan and Billy Fields, both veteran wheel funsters, who should know better. They've been around plenty of times before and it's 2-1 that when they clocked more returns when their material was more within the boundaries of moderate decency.

As it is, the giggles are self-conscious ones that come from extreme embarrassment and the boys should wise up before they hit a spot where they feel themselves may clamp down. At least two of their skits in 'Silk Stocking Revue' were done here just four weeks ago in Amy Fong's 'Oriental Girls' unit.

Show carries two peeters, Sunny Lovett, who's featured and is just a platinum blonde taking her clothes off, and Lillian Harrison, who at least gets a little vitality into her specialty. Production numbers try for some novelty, but they're nullified by the indifferent work of the line.

Best item is Joyce Breazelle, a good-looking, exotic dancer, first in a 'Bat' number and then in a routine of Oriental inclinations. Gal's got something on the ball and should go places—certainly a cinch for big flashes on niteries floors. Vaude feature is Tony Romano, guitarist, who garners top laurels in the show. Johnny Cook is an acceptable straight and Irving Karo has a fair enough voice. Cohen.

GARRICK, ST. LOUIS

St. Louis, Nov. 5... Sam Raynor, Hap Hyatt, Charles Harris, Marie Cord, 3 Lunatrix, Evelyn Taylor, Jane Dobbins, Paul Mayer, Charles Harris, straight, and Jane Dobbins, exotic dancer. Miss Page, Miss Cord and Paula, all lookers, each make two appearances and peel to the G-string. Sahu.

The 3 Lunatrix cop top honors in a show that's loaded with stiff competition provided by Carrie Finnell, a red-hot mama; Sam Raynor, Hap Hyatt and Marie Cord, a stripper who bears a remarkable resemblance to Gypsy Rose Lee.

The Lunatrix seemingly do everything. They clown, warble, hoof, do a nut acrobatic routine, provide music, join the principals in skits and generally click with their buffoonery. They first appear in an upper box from which they taunt Raynor, whose best gag is 'can this be an invasion from Mars?' Trio is on and off throughout and the palm-pounders go into action at their every appearance.

Raynor, who m.c.'s, also serves as a comic and straight and keeps the customers keyed up. The rotund Hyatt garners considerable approval as a comic and straight and keeps the customers keyed up. The rotund Hyatt garners considerable approval as a comic and straight and keeps the customers keyed up. The rotund Hyatt garners considerable approval as a comic and straight and keeps the customers keyed up.

In keeping with his policy of augmenting each show with vaude acts, Manager Bill Pickens has booked the Paul Sisters; Sam Hale, imitator; O'Neill Bros., acrobats and barrel-tumblers; Miss Finnell, Dewitt and Lehr-Lene, ballroom dancers, and Deane Page, stripper. In the burley part are Evelyn Taylor, acrobatic dancer; Charles Harris, straight; and Jane Dobbins, exotic dancer. Miss Page, Miss Cord and Paula, all lookers, each make two appearances and peel to the G-string. Sahu.

Biz fair.

FOLLY, B'KLYN, FOLDS; UNION, PIC TROUBLE

Sudden closing of the Folly theatre, Brooklyn vaudeville, Thursday (8) was caused by inability to get better grade of films, according to operators Harry and Al Mackler. It's also believed that pressure of musicians and stagehands unions, which sought more men for the house, contributed to the closing. House had been presenting five-act, split-week vaude, with fourth-run and indie films.

House is said to have lost about \$3,000 since reopening with vaude about seven weeks ago. Picture competition from Rainbow theatre, a unit of the Randforce circuit, is said to have made it impossible to get major product to support vaude.

Brothers may yet reopen theatre if they can make a deal for pictures, they state, since they still have their security up with landlords. Would resume with same policy.

Bill Miller, vaude booker of house, offered to take over when informed Macklers were exiting but had no reply by yesterday morning.

The American Federation of Actors is attempting to collect salaries of acts which were cancelled. Lou Sharp and the Liffords, Bryant Rainer and Young and Wolf and O'Donnell were set for the bill scheduled to open the day of the closing.

Saranac Lake

By HAPPY BENWAY

After weeks in bed Hap Ward, Jr., Emma O'Neil, Doris Andrews and Helen Morrisey are up for meals.

Peggy Leib and Edna McKillip are additions to the Rogers staff.

Vera (Warner Bros.) Hanlon got her o.k. and has left here. Did it in less than a year.

Dr. Muhlfelder, former medico at the Charl Rogers, now feeling pulses in Chatham, N. Y.

Actors Colony slang: Time marker, one who is strictly in bed; music box, sputum cup; agent, 10% affected; ribber, one who has taken the rib operation; bag bag, pneumo-thorax patient; bow-taker, one who took the nerve operation; fir-taker, medico; David Higgins, one who spent his last dollar for the cure; blower, one who's not allowed to talk; deckhand, one who moves from place to place to get better scenery view; No. 2 act, one who's always dissatisfied.

Also, a Jack Dempsey, one who has licked it; Bob Pastor, one who's on unlimited exercise always running around; doctor killer, one who went home cured; cancelled duck, one affected with a cavity; a seed, new arrival; holdover, one who passed away; a first-of-May, one who doesn't belong to the theatrical profession; Einstein, one who knows more than the medico, and bad news, undertaker.

Day Nursery here razed. For years it was sponsored by the late William Morris. Spot reported being turned into a William Morris Memorial Park.

Official mailing list of those here in the Actors Colony is: Will Rogers Memorial hospital; Sylvia Abbott, Doris Andrews, Josephine Murray, Marya Blake, Theodore Bodwell, Catherine Brody, Robert Burk, Marion Cannon, Rose Clark, William Case, Michael Cojohan, Hazel Coleman, Anna Comerford, Dolly Davidson, John DeGiovanni, Alfred DeLoraine, Eddie Dowd, John Edwards, Herbert Elder, Joan Elton, Fred Essinger, Beatrice Fidler, Murray Friedman, Morris Gould, Theodore Graf, Donald Graham, Seymour Grill, Veronica Hanlon, Ruby Hess, Betty Hessler, Walter Hoban, Frank Howard and John Jones.

Also, Carl Kern, Carlene Knight, Lillian Kohler, Beatrice Lee, Kenneth Lindlof, John Loudon, Edward McDonald, Edward McGushion, James Meehan, Maxine Miller, Richard Moore, Helen Morrisey, Margaret Newell, Emma O'Neil, Samuel Putnam, Leander Rinzler, Martha 'Gill' Rogow, Isabelle Rook, Frederick Schrader, Michael Schultz, James Seelye, Ben Schaffer, Garry Sitgreaves, Hazel Smith, Ruth Stewart, Eddie Vogt, Mark Vance, Arline Villone, Hap Ward, Jr., Milton

Weeks, Irving Wilbur, Jean Wolf and Jules Zwilling.

Also, Harry and Charles Barrett, 302 Broadway; Chris Hagedorn, 28 Church street; Manie Lowry, 41 Baker street; Russ Kelly, 19 Broadway; Happy Benway, 91 Broadway; Alice Carman, 47 Helen street; Helen O'Reilly, 44 Main street; Ray Ketchem, 39 Ampersand avenue; Joseph McCarthy, 68 Franklin avenue; Lillian Mansfield, 110 Main street; Jimmy Cannon, Clancy Cottage, Bloomington Avenue; Arthur Alvarez, WNEZ; Katherine Keenan, Northwoods sanatorium; Tommy Abbott, Veterans' hospital, Tupper Lake; A. B. Anderson, Pontiac theatre; George Anderson, 91 Broadway; Eddie Burke, 71 Bloomingdale avenue, and Otto Kruse, Erkanter Cottage.

(Write to those ill in Saranac.)

STOCK BURLEY CATCHES ON IN CANTON REVIVAL

Canton, O., Nov. 8.

Stock burlesque, now in its third week at the old Grand opera house here, is catching on. Improved industrial conditions in this sector are credited with better attendance than last year.

John Santry, of Cleveland, is manager of the local venture, only stage show in town. Nightly, three matinees and a Saturday midnight performance is the weekly policy.

There are 30 in the company, including eight principals and a 14-girl line. Francis Pabs is responsible for the chorus routines and Ray Kolb produces. House is also using a pit band.

Niteries Placements

Four Squires moved into the Zebra room at L. A. Town House. Ruth Denning replaced Nan Blackstone at the Club 17 in L. A.

Betty Healy at Topsy's, Los Angeles, for an indefinite run.

Lita Grey Chaplin and Lina Basquette moved into Rancho Pablo, El Cerrito, Cal.

Playboys wound up at the Town House, L. A., and moved to Chicago, where they open at the Blackstone.

Happy Valley Gang, from WCAU, Philadelphia, is in the All-Bright Cafe, Boston, for 12 weeks.

Tell Sisters, formerly on KYW, Philadelphia, have gone into the Bradford Hotel, Boston, for six weeks.

APOLLON FOLDS N. Y. CAFE AT 30G LOSS

Folding of Dave Apollon's Club Casanova, fashionable east 54th street (N. Y.) Continental-type niterie, after operating less than a month, represents a \$30,000 loss to the maestro-vaudevillian. Formerly the House of Morgan, it was Apollon's maiden effort in the niterie field. He had made a deal with Nick Bates, who once operated it as the Merry-Go-Round bar, to assume all debts, redecorate and operate 100% on his own. Bates had previously merely retained a percentage-of-the-gross interest for his rent.

George Olsen is another bandman currently in the niterie management field, as one-third partner with Joe Moss and Lou Brecker in the International Casino, on Broadway, but since 77b, the banks stepped in and installed Robert K. Christenberry, v.p., and g.m. of the Hotel Astor, to also run things at the niterie.

Abe Lyman was still another maestro who fancied the idea of investing in the spot he worked in, the theory being to give his band a permanent home in between commercial broadcasts. Lyman bought into the old Hollywood restaurant, on Broadway, which Joe Moss operated prior to that cafe's 77b. Moss subsequently repurchased Lyman's interest, latter not losing out in this instance. Moss and his brother, Nat Moss, are now slated to reopen the Hollywood.

In the case of Apollon he wanted to get away from his Filipino comedy band in vaudeville—an aggregation which, incidentally, had earned him sufficient to invest in this cafe venture—and build himself into a standard type of name band, with an eye to radio. His initial show, booked by Bernard Burke, of Curtis and Allen's office, who was also advising the m.c.-bandman, was a high-grade assortment of cafe acts. With the large nut, heavy investment and a mark to make for himself in this new field, it was too much of a hurdle.

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NO B'WAY HOUSE SHORTAGE

Clare Boothe Griddles Critics, 400; Broun Does a Switch on Reviewers

Clare Boothe, Broadway's socialite playwright and handsomest member of the Dramatists Guild, has something to say about the critics in a contribution appearing in the current Stage, and she also pulls no punches in commenting on persons of her Park avenue set. She first scored with 'The Women,' but not until 'Kiss the Boys Goodbye' (Miller, N. Y.) elicited did Miss Boothe, Mrs. Henry R. Luce in private, assent to talk for the press. Recently she gave several interviews and seemed to like it.

Saying that the sort of people who exist in her plays now snub and cut her, she explains that her choice of a hobby (writing plays) often gets her whole columns, instead of casual mention as among those attending teas at Pierre's, and so forth. These columns are called criticisms and they are supposed to concern themselves with what the critics and I laughingly refer to as my art. And sometimes they do say nice things. But when they say horrid things (those are the days when even the kitchen maid, whom I've never laid eyes on feels the repercussions and trembles), I do feel inclined to go right out and scratch their eyes out.

Crix Don't Get Around
But Mr. Watts (Richard) and Mr. Anderson (John) and Mrs. Atkinson (Brooks) just don't seem to get around to '21' and the Colony, or even Elsa's (Maxwell) parties. I mean I just can't bring myself to go slumming way over to Sardi's and Bleeck's (Jack) to find them, no matter how justified I'd be to do so. And I do think that when I come face to face with them, my anger would soften. Because Mr. Watts and Mr. Anderson are really quite handsome though I don't always admire the people I see with Mr. Watts, and even Mr. Anderson can't wear a white tie as well as Mr. Nathan (George Jean). And I wouldn't dream of resenting anything Mr. Atkinson said because I do think he's sound and, besides, there is something about him that is terribly sweet and fatherly. Miss Boothe pats the boys goodbye with: 'Omn. The whole I do just love reading 'em. They can say anything, so long as they do not ignore by because it's going to be awful if they do. I'm not a fool you know.'

Broun Now Defends 'Em
Heywood Broun, former critic who took a sock at the current critics recently, came to their defense in his Saturday's (5) column, N. Y. World-Telegram. He was inspired by the comments against them by J. B. Priestley, British dramatist, whose recent 'I Have Been Here Before' fared worse than his 'Time and The Conways,' one of last season's Broadway flops. Said Broun:

'A little while ago this column gently chided the dramatic critics of (Continued on page 58)

'30 DAYS' ANGELS SAID TO BE MULLING SUIT

Reported that legal steps may be taken by some of the backers of '30 Days Hath September,' one of Broadway's first flops this season. Show was withdrawn after two weeks at the Hudson. Said to be involved is Irving Gaumont, co-author-presenter, in association with Jack Sobell.

Cast was paid off from funds on deposit with Equity, but in the case of Allison Skipworth, who was featured, a four-week engagement had been guaranteed by W. Herbert Adams, an attorney who has been interested in a number of productions. He paid Miss Skipworth's salary, \$2,000 for two weeks unplayed.

Adams was not interested in the direction, but put up the guarantee for Miss Skipworth, who returned from the Coast for the play, because of his former stage association with her. She was co-featured with Basil Rathbone in a play called 'Port O' London,' with Adams as backer.

Double-Crossed

Success scored on Broadway by two visiting actors appears to have surprised 'em. Raymond Massey, who clicked in 'Abe Lincoln in Illinois,' Plymouth, told friends in London last summer that he expected 'to be back in four or five weeks.' Predictions are that the show will run a year.

Robert Morley, whose performance in 'Oscar Wilde,' Fulton, drew press burrahs, is described as 'walking on air.'

GILBERT MILLER IN ON THREE HIT SHOWS

Although his name appears only over 'Victoria Regina,' on Broadway for a repeat date at the Beck, Gilbert Miller is concerned with two new successes and is definitely set for another successful season. Understood he controls 75% of 'Oscar Wilde,' Fulton, although Norman Marshall, London showman, made the presentation and owns the smaller share. Marshall is said to have a share of 'Regina,' which tried out at his Gate theatre, London, as did 'Wilde.'

Miller is doubly interested in 'Kiss the Boys Goodbye,' of which Brock Pemberton has the major share, due to operating Henry Miller's theatre, where that hit is spotted. Pemberton welcomed participation by Miller in 'Kiss the Boys' when he offered to buy in last spring, when the script was not in finished shape. Active management is by Pemberton, but the Miller staff handles 'Wilde.'

Participation in a third attraction this season by Miller did not prove so fortunate. He had 25% of 'Waltz in Goose Step,' which opened and closed at the Hudson last week. Miller's share being around \$7,000. Play was presented by Julien (Jack) St. Charles Chiqueneau, who is on the New York staff of Myron Selznick's agency. Stated that most of the backing for 'Waltz' was downtown money.

Wm. A. Brady Setting Revival and New Play Policy for N. Y. House

William A. Brady has announced resumption of activities and a policy for his Playhouse, N. Y. While he will present a repertory company, new plays are also slated for presentation. A selected list of revivals is being made with a change of bill at least every six weeks. Showman proposes operating on a subscription basis.

First revival is 'You Never Can Tell,' the play claimed to have started Bernard Shaw to popularity in New York. For it Margaret Anglin will return to Broadway, after cast also having Helen Chandler and Bramwell Fletcher. Shavian comedy is being directed by Grace George, it being dated to open Thanksgiving night (24).

New 'Shuffle' on Coast

Los Angeles, Nov. 8. Criterion theatre, dark for months, reopens Friday (11) with an all-Negro musical, 'Shuffle Along of 1938.' Piece is presented by Alfred Butts, who will take it on the road if it clicks.

MORE SHOWS, BUT PLENTY THEATRES

28 Productions This Season Thus Far Against 16 at Same Time Last Year— Six Hits and 16 Flops— More Musicals

PRODS. NEED COIN

There will be no approach to a house shortage on Broadway this season, according to indications, though contrary to prevailing opinion this season is well ahead of last fall in the number of productions presented. Even the number of musicals which is definitely increased, and while most of the theatres suitable for this type of attraction are booked, there are enough spares among the other houses to amply take care of new attractions currently in sight.

Reason lies in the fact that, although more shows arrived, there was a corresponding increase in the number of failures, most of which were quickly aired. Up to early November, last year, only 16 new shows had opened, five having proved successful, one an intermediate and 10 flops. During the corresponding period this autumn, 28 shows have opened, including two revivals and one repeat engagement. Of the new presentations the rating at this time classifies six as being hits, with three probable moderates, while 16 are unquestioned flops, nearly all having been promptly yanked from the boards. One or two shows, now regarded as having a fair chance to click, may climb into the hit class.

Winter Crop

More interesting to observers, however, will be the possibilities of the late fall and winter production crops. This month's incomers should approximate the same number, or top, last November, when 14 shows premiered. To date at least 15 are slated to debut, three having arrived last week as a starter—none were highly regarded and one has already stomped.

Among the month's new productions are at least two new musicals and possibly three, which will give the season nine such attractions by Thanksgiving time. Increase in musical fare is one of the features of the legit season in contrast to last fall, when only two were presented within the same period, and only one ('D Rather Be Right') was successful. Some of this season's musicals are hardly up to expectations, but the trend is there.

While there appears to be more managerial activity, there is no certainty that 1938-39 will top last season in the number of shows presented, despite the fact that 1937-38 established a new low in production. After the first rush, production appears to have tapered off too much to hold the edge of the first two months and must be stepped up to measure up to the big expectations accompanying the World's Fair season.

That it will come with fresh capital from the picture end is Broadway's hope. If the breach between Hollywood and Broadway is healed and production debts consummated, the managers should quickly discern whether it is a matter of product rather than backing. Showmen, generally, say it is the coin factor that has been holding down production, with some claiming the situation to be over-emphasized. Latter are distinctly in the minority and are not among the active producers.

WPA Mr. Bankrupt

Sam M. Mandelstam, Hotel President, N. Y., theatrical manager connected with the WPA Federal Theatre Project in N. Y., filed a voluntary petition in bankruptcy Monday (7) in Federal court. Liabilities at \$590; assets of \$10,000 insurance are exempt.

Cautious

One night last week Ole Olsen (and Johnson) was standing costless outside Dinty Moore's restaurant talking to a couple of cronies. Eatery is adjacent to 46th St. theatre where 'Hellzapoppin' is current.

Business sense got the better of Lee Shurt, who rushed up shouting: 'Get back and put on your coat. I haven't got you insured.'

ACTORS REP CO. REORG; FILM FINANCING

Reorganization of the Actors' Repertory Company, Inc., of New York is now in process. Organization started three years ago with 11 members, following production of its first play, 'Let Freedom Ring,' with John Hay Whitney and Henry R. Luce, publisher, backing the company at that time.

Seven plays were produced the first year, with approximately 10 Sunday performances of each taking place. During the next two seasons the company produced four operas.

Actors' Repertory has now moved its headquarters to 70 West 45th Street, and also leased a rehearsal hall. First play of its current season was to have been 'Family Portrait,' by Lenore and William Joyce Cowen, but this has been temporarily shelved and work will start shortly on one of the following plays on the schedule: 'Cartney and Kevney,' an American adaptation of an Irish play by George Shiel; 'The Happy Journey,' one-act by Thornton Wilder; 'The International Brigade,' The Musical with His Heart in the Highlands, by William Saroyan; a series of one-act plays by E. P. Conkle, and an untitled play by Robert Thomsen about the battle of Gettysburg.

Financing of the organization this year is said to be assured and is reported coming from pictorial sources. Identity of backer cannot be confirmed at this time because contracts have not yet been signed, according to William R. Fitelson, counsel for the actors.

Present membership of the group, whose purpose is to produce vital, livable plays which express the spirit of the age, includes Paula Bauersmith, Norma Chambers, Kathryn Grill, Will Geer, Rose Keane, John O'Shaughnessy, Douglas Parkhurst, Anthony Ross and Leslie Stafford. Three of the group are now working in shows produced by other Broadway managers. Kate Grill is in 'Dance Nature,' O'Shaughnessy is coming in with 'The Boys From Syracuse,' while Geer is currently in 'Sing Out the News.'

EDWARD STIRLING OF PARIS TO PROD. IN N. Y.

Banned in London, Aldous Huxley's new play, 'This Brave New World,' which deals with an imaginary future, will have a Broadway production if plans of Edward Stirling, holder of the American rights, materialize. First presented by Stirling at his English theatre in Paris, it is deemed timely drama now that the American public has been H. G. Wells-primed for fantasy.

Also on Stirling's schedule is his own translation of Sacha Guitry's sophisticated farce, 'The New Will,' in which he will both produce and play the lead upon his arrival here.

The Associated Theatre Ticket Agencies, which represents most of the Broadway ticket brokers, though not McBride's, Postal-Leblang and Tyson Co., sent its attorney and a committee to Equity last Friday (4), with the idea of securing modification of the code inaugurated by the League of New York Theatres, the managerial arm. Ticket men stated their case and reasons for proposed concessions, with the Equity committee due to report the proceedings to the council with possible recommendations.

That Equity will take action in the ticket situation is, however, doubtful. Its position is rather on the outside of the code, although there is a signed agreement between Equity and the League stipulating that, in consideration of the functioning of a ticket control system, it will not adopt new rules or change policy during this season. Enforcement of the code is entirely up to the League, to date, with Equity having its own more stringent rules for managerial non-members, yet has done nothing in the way of policing. Indicated that Equity does not intend being a defendant in legal actions that code enforcement may inspire.

Want 'Buys'

Surprise move on the part of the brokers was an appeal to change the rules so that 'buys' would again be permitted. ATTA people declared (Continued on page 58)

Shift to Garden May Give 'Hellz' Top B'way Take

In moving from the 46th Street to the Winter Garden, N. Y. Nov. 28, 'Hellzapoppin,' the Olsen and Johnson revue, may go into the leadership of Broadway's list, held up to now by 'I Married an Angel.' Shuberts, in arranging the switch, appear to be protecting their Garden property, house being currently tenanted by 'You Never Can Tell.' Later has been drawing mildly and is reported closing when, or before, 'Hellz' moves in.

Garden capacity is not much in excess of the 46th Street, but there are considerably more seats on the lower floor, capacity of which, is around 1,000. At the \$3.30 scale, the gross, which recently went to \$28,000, is figured to top the \$300,000 mark. This week, the scale for 'Hellz' was upped to \$4.40 on Monday (7), the night before election, and Thursday (10), Armistice Day eve. For the past two weeks that top has applied to Friday and Saturday nights, because of football crowds.

The 46th street is bank owned, Shuberts operating the house under an arrangement whereby the house is reported being guaranteed \$18,000, which amount covers the carrying charges. Figured, that coin has already been earned by the theatre's share of the revue's takings and over that will be velvet.

Another factor in switching 'Hellz' out of the 46th Street and booking in Lew Leslie's 'Blackbirds' concerns the latter's manager, Nate Kerner, son of the owners of the Edison hotel across the street, has guaranteed the salaries of the colored show. The Shuberts are also interested in the Edison.

Ticket agencies will be somewhat affected by the transfer of 'Hellz,' since the increased lower floor capacity of the Garden should increase the boxoffice sale. Up to now, 'Hellz' has been one of the hottest ticket buys on Broadway. In show circles there is some question as to the effect on the performance, revue being regarded as more effective in the 46th street, because the players are closer to the audience and a number of the show's nut gags originate or finale out front.

SCHWAB'S LEGIT COMEBACK AWRY

Laurence Schwab, whose 'Knights of Song,' his major effort in a three-show production schedule was unsuccessful, has not made further definite legit plans, but may become active on Broadway later in the season. He will leave for Florida this month and plans working on two scripts. Schwab's listed initial comeback play was 'Once Upon a Night,' withdrawn at try-out, while the third show was never completed.

Author-manager had previously declared himself through with Broadway, but at that time he was engaged by Hollywood. Although he is said to have received further offers from the Coast, it is understood he has no intention of returning there this season. Indicating he had not become acclimated to Hollywood, the showman announced last spring that he would return to legit, saying he made the previous decision with his fingers crossed. Schwab's principal complaint about conditions in show business are the increased production costs, partly because of the restriction on foreign plays.

Oscar Hammerstein, II, who also returned from the Coast after a number of years there, was teamed with Schwab in the production of the costly 'Knights.' He is currently concerned with two straight plays, 'Where Do We Go From Here?' but of which was postponed from this week until next at the Vanderbilt, and 'Glorious Morning,' in rehearsals.

ATC OUTLINES ROAD CAMPAIGN

The American Theatre Council board met Monday (7), when it was decided to start a promotional campaign in out-of-town newspapers. Plans to send news letters to some 300 editors, giving details about the new plays which have opened and those to come. That service will precede ATC's campaign to build up "guaranteed audiences" in various week stands, along subscription lines. Offers from several commercial concerns to back local productions have been held in abeyance until road men have been sent out.

A plan to further the interests of 'the road' was submitted by the Theatrical Managers, Agents and Treasurers Union. It is a proposal outlined sometime ago by the union's late president Theodore Mitchell, and is named after him. Plan is to be studied and may be fitted into the general road program promised by ATC.

Decided to admit a new group to associate membership. It is to consist of drama school and educational groups, but such members will not be permitted to vote.

NORMAN CARROLL, 43, DIES FROM SUFFOCATION

Norman S. Carroll, 43, brother of the theatrical producer and former president of the Carroll Producing Corp., was found dead from suffocation in his room in the Fannart hotel, New York, Sunday (6). Apparently he had fallen asleep and a lighted cigarette had ignited the bedclothes. A fellow lodger noticed smoke coming under the door and gave the alarm. Carroll was found sprawled on the floor, his feet slightly burned. Police worked over him with a pulmotor for two hours, but without results.

Identification was made by Harry Long, Earl Carroll's master representative, who said he could not understand why the dead man should have been lodging at an obscure hotel when he had only to ask his brother for funds. He had registered at the hotel Nov. 2 a few hours after his brother had departed for Hollywood.

Besides his brother, he is survived by his widow, the former Frances Hope Marchant, musical comedy actress, who is living in Baltimore.

Ice in November

Mild weather in New York Monday (7) with a record high of 75 degrees for November, cooling systems were turned on in some legit theatres, the latest for their use since installation. The Music Box ('Sing Out the News') ordered four tons of ice for its plant, with the Plymouth ('Abe Lincoln in Illinois'), across the street, following suit.

Some houses were uncomfortably warm, but cool weather was reported on the way yesterday (Tuesday).

DRAMA GUILD'S LONDON PLANS UP AGAIN

Although it sees no immediate prospect of complications through the importation of foreign plays to Broadway, the Dramatists Guild still intends to set up a London branch that will service strengthen its representation among British playwrights. It had planned to take some steps in that direction this fall, but let the matter slide when the Czech crisis came up.

Guild already has a legal representative in London, but the feeling is that an exclusive business rep could give more time and attention and be closer to the situation. Doubtful that a separate office would be established owing to the expense involved, but figured that a full-time representative might take desk space in the headquarters of the British dramatists' organization. Present idea is that Robert E. Sherwood, Guild prez, will go to London in the spring. Until then he will most likely be occupied with assisting on the production of the Elmer Rice, S. N. Behrman and Sidney Howard plays which the Playwrights' Co. is presenting as well as with the negotiations of the film sale of his 'Abe Lincoln in Illinois' and with a possible road company of the show.

Now that Gilbert Miller is a signatory to the minimum basic agreement, the Guild has contractual arrangements with every ranking Broadway manager. Importation of New York production of foreign plays under the minimum basic agreement is therefore considered an exceedingly remote possibility. Idea apparently is, however, that Miller's production of Frederick Lonsdale's 'Once Is Enough' last season, and J. B. Priestley's 'I Have Been Here Before' this season, exposed a weakness in the Guild setup in regard to the foreign play situation. It's figured that a regular business representative in London could probably extend the Guild's membership among English playwrights and keep such members informed of the standing of various Broadway managers, besides handling other routine business of the Guild and its members.

In reaching an accord with Miller over his signing of the minimum basic agreement, the Guild promised to consider carefully his objections to that contract. Matter is believed to have received some study since then, but no solution has been worked out, nor is there any indication when any action will be forthcoming.

BORIS THOMASHEFSKY B'KRUPT; \$9,765 DEBTS

Boris Thomashefsky, Yiddish tragedian, filed a voluntary petition in bankruptcy in New York federal court last week. He fixed his debts at \$9,765 and declared no assets. Among the creditors listed by the prominent actor were Jake Lubin, of the National theatre, N. Y., \$150; Harry Samberg, Yiddish Art Theatre Building, N. Y., \$50, and Karp & Littman, operators of Libman's People's theatre, Detroit, \$600.

Thomashefsky is the last of the old-line Yiddish legit vets. One of the most prominent actor-managers in decades past, with his own Thomashefsky theatre on New York's Yiddish rialto, Second avenue, the player, now in his 70s, has been doing night club stunts. He's currently in the Rialto Room, downtown (not the Radio City spot) with his wife, Regina Zuckerberg.

Current Road Shows (Week of November 7)

'Amphytrion'-'Sea Gull' (Lunt and Fontanne), National, Washington.
'Blackbirds,' Majestic, Boston.
'Blossom Time,' Davidson, Milwaukee (6).
'Boys From Syracuse' (Jimmy Savoy), Shubert, Boston.
'Brother Rat,' Erlanger, Philadelphia.
'Children's Hour,' Shubert, Brooklyn, N. Y.
'Dame Nature,' Erlanger, Chicago (8).
'Golden Boy' (Luther Adler-Frances Farmer), Locust street, Philadelphia.
'Great Lady' (Tullio Carminati-Irene Bordoni-Norma Terris), Forrest, Philadelphia.
'Hered and Marianne' (Katharine Cornell), Hanna, Cleveland (7-9); Erlanger, Buffalo (10-12).
'I Am Different' (Tallulah Bankhead), Memorial Aude, Louisville (7); Coliseum, Evansville, Ind. (8); Aude, Memphis (9); Temple, Birmingham (10); Munny Aude, New Orleans (11-12).
'It Rather Be Right' (George M. Cohan), Hartman, Columbus (7-9); English, Indianapolis (10-12).
'Flying Glazeborgs' (Ann Pennington-Eddie Nugent), Plymouth, Boston.
'Lightnin' (Fred Stone), Colonial, Boston.
'Of Mice and Men,' Selwyn, Chicago.
'On Borrowed Time,' Grand Opera House, Chicago.
'Pins and Needles,' Cass, Detroit (6).
'Red Bumble Bee,' Curran, San Francisco.
'San Carlo Opera,' His Majesty's, Montreal.
'Shadow and Substance' (Sir Cedric Hardwicke), Wilbur, Boston.
'Shuffle Along 1939,' Criterion, Los Angeles.
'Cornelia Otis Skinner, Rockford, Ill. (7); English, Indianapolis (9); Grand, Terre Haute (10); Coliseum, Evansville (11).
'Susan and God' (Gertrude Lawrence), Harris, Chicago.
'Tobacco Road,' (Danville, Va. (7-8); Chapel Hill, N. C. (9); Colonial, Norfolk (10-12).
'What a Life,' Cox, Cincinnati (8).
'Whitecaps' (Ethel Barrymore), Nixon, Pittsburgh.
'Women,' Aude, Chicago.
'You Can't Take It With You,' American, St. Louis (6).

AUTO SHOW DISPUTE OUSTS TMAT AGENT

Jack McNevin, one of the business agents for the Theatrical Managers Agents and Treasurers union, has been relieved of his duties temporarily after a dispute over ticket-selling jobs for the auto show opening at the Grand Central Palace, New York. There were six berths assigned to box office men selected by McNevin. Claimed that he should have posted a notice on the bulletin board in the union's offices, so that all treasurers would have an equal chance.

Agent defended his action, saying he made up a list of men who had been out of jobs for long periods and marched in the picket lines. Indicated that the coming election will find a hot contest over the business agents' jobs, more so because of this matter. Contest over selections of the new board of directors is also anticipated.

Groups within TMAT have been holding a series of meetings, naming candidates for the board. Treasurers will have four on that body and so will the managers. New York press agents will have two and so will the advance men, the p.a.'s being split into two parts. Motion picture group will have two and, when that division has 200 members, will be entitled to four. Yiddish group will also have two directors.

'Waltz' Stumbles

'Waltz In Goose Step' was suddenly added to last Saturday's closings on Broadway. Play opened Tuesday (1) drawing an unfavorable press. After weak attendance after the premiere, it was decided to fold. Seven performances.

WALTZ IN GOOSE STEP

Opened Nov. 1, '38. None liked this. Brown (Post) said, 'It proves to be a very tepid affair.' Atkinson (Times): 'Very trifling.'

Playwrights Deny 'Lincoln' Film Deal, Also Reports of Any Outside Managers' Backing Except 'Knick'

Despite widespread report to the contrary, there is no deal pending for Samuel Goldwyn to buy the film rights to Robert E. Sherwood's 'Abe Lincoln in Illinois,' which the Playwrights' Co. is presenting at the Plymouth, N. Y. Not only has Goldwyn made no offer for the show, but several important wrinkles would have to be straightened out before it would be a deal, even if the price were right.

For one thing, Sherwood will insist on approval of the casting of the film in any such deal. For another, he will require that the spirit of the play be carried out in the film version preferring to do the adaptation himself to assure it. There is also the question of release date. Playwrights are confident that the play could run at least a couple of seasons in New York before going on the road and they will not agree to the release of the film until they have exhausted a good share of the legit business.

Goldwyn saw the play in New York and was reported to be not after the film rights, with the idea of having Gary Cooper, whom he has under contract, play the Lincoln part created on the stage by Raymond Massey. Cooper saw the show last week during a one-day stop-off in New York on the way from Hollywood to Europe. Although an asking price of \$200,000 to \$300,000 was reported set by Sherwood, he states there has been no amount determined. Figured price would depend on how satisfactory other terms were.

Capra's Bid

While it was not announced, Frank Capra attended a performance of 'Abe' during the Baltimore tryout and approached Massey with a tentative offer to do the film at Astoria, N. Y., using Massey and virtually the same cast as in the legit version. However, no outright offer was made. In that connection, it is pointed out that under the rules of the Dramatists Guild minimum basic agreement no offer can be made until three weeks after a show opens on Broadway. Three weeks were until last Saturday night (5), but no offers have been forthcoming since then. One rumor is that Metro wants the play for Capra, whom it has under a one-picture commitment.

Also contrary to previous report, there is no other producer or other outside showman's money in the Playwrights' Co. Of the original \$97,500 production fund, \$50,000 was put up in \$10,000 lots by the five playwrights themselves. Balance was advanced in comparatively small amounts by various private individuals, including several drama list members. Besides his regular \$10,000 slice, Sherwood put up additional coin in his own name and also some in his wife's name.

No Whitney Coin

Stated that John Hay Whitney does not, either directly nor indirectly have any money in the outfit. Neither does any other film or legit figure. Explained that the Playwrights feel they could not accept financing from any picture or legit people without laying themselves open to possible accusations of discriminating against others.

Although two outside producers (Max Gordon and Dwight Deere Wiman) each have 10% slices of Knickerbocker Holiday, both deals into two parts. Motion picture group will have two and, when that division has 200 members, will be entitled to four. Yiddish group will also have two directors.

Gordon had a contract with Walter Huston and agreed to release the actor for the show on the consideration that the (Gordon) would be permitted to buy a 10% share of the production. Wiman got his 10% of 'Holiday' on a similar arrangement involving Joshua Logan, who staged the show. In neither case, it is emphasized, did the Playwrights seek outside financing or advice. Nor is there any intention of bringing in any outsiders for advisory, managerial or any other help.

'Lincoln' Cost 30G

Production of 'Abe Lincoln' cost approximately \$300,000. Raised the curtain in New York. 'Holiday' cost another \$52,000. That total of about \$82,000 only around \$15,500 of the original \$97,500 production fund,

which was much closer sailing than the Playwrights had intended. 'Abe Lincoln' can break even at a gross of about \$9,000, while 'Holiday' can get by at the Barrymore, N. Y., for around \$14,000. Playwrights figure both shows are in for profitable runs, particularly the former.

Although it is thought 'Abe' could be held in New York for three or four seasons at a forced run, Sherwood plans to take it on the road long before the Broadway business is exhausted. It is thought Massey could not continue playing such a heavy part indefinitely and Sherwood wants to show the play on the road while it's still in good shape. There's a possibility of sending a No. 2 company to the Coast around February, but that is uncertain.

Sherwood's author royalties (entirely separate from his share of the profits) is a straight 10%. Massey also gets a percentage and the theatre is in for 30% of the gross. In that way, it is explained, even though show's nut is \$8,000, everything above that isn't profit. Actual profit to the Playwrights runs around 50% above \$9,000. Show is now grossing an average of about \$20,000 a week. 'Holiday' is getting about the same at a \$4.40 top at the Barrymore, N. Y., but is expected to climb.

Financing from Profits

Profits from 'Abe' and 'Holiday' after their production expense is repaid, will be used to finance the new Elmer Rice show, 'American Landscape,' which is currently in rehearsal. When that is taken care of, the new S. N. Behrman play will come along, and after that the Sidney Howard piece. Doubtful that the Playwrights will do more than the five shows this season, although they might if a promising script is submitted by an outside author.

When all five of the productions are paid for, the Playwrights plan to use their profits to pile up as big a production fund 'as the Government will let us.' Idea is to provide plenty of margin if several expensive productions in a row were to flop. They are determined not to have to go out and dig up additional financing. There has been no provision made as yet for distribution of the profits.

Hollywood, Nov. 8

Samuel Goldwyn has been offered the right to film the Abraham Lincoln play staged in Springfield, Ill., last year as part of the Centennial pageant.

One proviso is that Gary Cooper play the Lincoln role. Offer was wired by Don L. Stanford, Springfield's director of public safety.

LUNTS SET RETURN PITT DATE IN SPRING

Pittsburgh, Nov. 8

Lunts will play two weeks at Nixon this season, but the weeks will be five months apart. They come in Monday (14) in 'Amphytrion 38,' under ATS auspices, and back again April 24 without subscription backing to split eight performances between 'The Teller' and either 'Reunion in Vienna' or 'Sea Gull.'

Team plans to give one extra matinee performance of 'Gull' during their visit here next week, and if that clicks Chekov drama will be included upon their return. Otherwise it'll be 'Reunion.' Pittsburgh has been clamoring for 'The Teller' ever since that show was washed out here by the flood in March, 1936, after three performances during its tryout engagement.

At that time, Lunts were reported to have said they'd never play Pittsburgh again, even passing burg up on their last tour, but apparently they've since had a change of heart. At time of flood, management was understood to have insisted Lunts keep on playing, since Nixon, with its own lighting plant was only downtown spot boasting electricity, even though Miss Fontanne was suffering from laryngitis and police cordons had been thrown up all over the city. They played one performance, even after flood hit hardest and then called it off.

**THIRD
OF A
CENTURY**

All Chi Houses Lighted, but Fems No Like 'Mice,' Good 12G, 'Susan' Big 18G

Chicago, Nov. 8. All theatres are lighted this week, with even the mammoth concert Auditorium recruited to fill the demands for legit houses. Four shows opened this week on consecutive days, which includes one by the Federal Theatre.

On Sunday (6) 'The Women' got away in the Auditorium for its second session in Chicago, having played the Erlanger last year. Last night (Monday), 'Dame Nature' started in the Erlanger as the third subscription show of the American Theatre Society season, and today (Tuesday) 'On a Snowed Night' starts at the Grand. Tomorrow night (Wednesday), 'Prolog to Glory' comes in from New York for the WPA group.

'Blossom Time' left town Saturday (5) after three weeks, with the gross building steadily after a slow get-away. Finished strong and could have stayed longer on pace. Heads for general tour of Milwaukee and southern key burgs, which figures to keep it on road until the spring.

Capacity still the rule in the Harris for 'Susan and Gals' (4th week) and 'Men' in the Selwyn is going along at a clip that rates just slightly better than fair. General public word-of-mouth has not been too hot, with the female element particularly indicating disfavor. Dated to leave town Nov. 26, which will make it a five-week gallop, disappointing.

'Big Advance' sale for 'Id Rather Be Right', which comes to the Auditorium Nov. 21.

Estimates for Last Week
'Blossom Time', Grand (1,400; \$2.75). Left town Saturday (5) after good three weeks, finishing to excellent \$18,000. Heads for Milwaukee and other midwest towns for long road tour. This is ninth appearance of the musical in Chicago in 15 years and has always garnered profits.

'Dame Nature', Erlanger (1st week) (1,400; \$2.75). Opened last night (Monday) on ATS season.

'Of Mice and Men', Selwyn (3d week) (1,000; \$2.75). Rather disappointing on spite of Legit-grosses around here not net up about show, which now calls a halt for Chi on Nov. 26. Managed \$12,000 last week.

'On a Snowed Night', Grand (1st week) (1,400; \$2.75). Opens tonight (Tuesday) and looks forward to a run of it on general rep of New York click. Has had big advance build-up.

'Susan and Gals', Harris (4th week) (1,000; \$2.75). Smash of the season so far. At capacity with \$18,000 again. Will stick into New Year's easily at pace.

'The Women', Auditorium (1st week) (4,000; \$1.65). Opened Sunday (6) with tariff sliced considerably below regular legit rates in town, due to immense capacity of this arena.

WPA
'Prolog to Glory', Blackstone. Opens tomorrow (9), with company coming in from New York Federal Theatre Project.

'The Mikado', Great Northern. All-colored version a WPA theatre click.

'CORNELL'S 'HEROD' BIG \$22,000 IN DETROIT

Detroit, Nov. 8. Katharine Cornell has always been b.o. here, regardless of vehicle, so it's natural that her 'Herod and Marianne' should pull in hotcha \$22,000 last week in eight performances at the Cass.

Boxoffice built plenty after opening performances, aided by nice notices, with result that four of the last six performances were s.r.o., including two matinees. Balcony and orchestra seats sold out throughout week, with only empties being in the medium-priced chairs.

Current is 'Fins and Needles', which opened seven-day stay Sunday night (7).

Estimate for Last Week
'Herod and Marianne', Cass (1,500; \$3.30). Four s.r.o.'s out of eight performances spelled smash \$22,000 for Katharine Cornell, play current is 'Fins and Needles' at \$2.75 top.

'Tovarich' Fair 3 1/2 G

Maplewood, N. J., Nov. 7. Eugenie Leontovich, in 'Tovarich' at the Maplewood, did only fairly at the b. o. just about making \$3,500. Critic praised Leontovich, but comedy did not make the grade with patrons.

Current attraction, 'Yes, My Darling', with Frances Starr.

Estimate for Last Week
'Tovarich' Maplewood Theatre (1,420; 25-1.00). Film version may have hurt stage production, which got only fair \$3,500.

'FABLE' ENDS IN WASH. AFTER POOR \$9,000

Washington, Nov. 8. What bids to be gala week for Ina Claire in her hometown fizzled to little more than expenses when word-of-mouth and cold reviews killed 'Yankee Fable'. Show had been scheduled to quit after two weeks try-out in Boston, but hefty advance sale here induced one more try. Star, as usual, pulled out the ermine downstair and packed the balconies on opening night. Next morning, refunds began sending what looked like a \$17,000 gross down to about \$9,000.

Show folded here, with Miss Claire definitely out, and plans to revise it without her are only vague rumors.

Current: Lunt and Fontanne in 'The Sea Gull', with Katharine Cornell in 'Herod and Marianne' skedded for week of Nov. 16.

Estimate for Last Week
'Yankee Fable', National (1,698; \$2.75 top). Poor word of mouth and cold reviews sent gala return of Ina Claire to town down to approximately \$9,000.

Boston, Nov. 8.
Booking boom continues apace here, with five shows on the boards this week. 'Leave Me to Me', musical starring Sophie Tucker, Victor Moore and William Gaxton, gathered in mammoth grosses during its three-week preliminary before Broadway.

'Lightnin'', with Fred Stone, is getting paid patronage; 'Golden Boy' exited Saturday (5) after three good frames. 'Shadow and Substance' is entering its fourth and final week. Newcomers are 'Boys from Syracuse' and Lew Leslie's sixth edition of 'Blackbird'. 'Boys' opened yesterday (Monday), while 'Blackbirds' opens tonight. Flying Ginzburgs is opening Thursday (10). Boston will see tryout of the third offering of the Playwrights when 'American Landscape', by Elmer Rice, comes in Nov. 21. 'Great Lad' and 'Faustus' are slated for Nov. 22. The new Noel Coward show, starring Bea Lillie, is slated for a preem here around Christmas time.

Estimates for Last Week
'Leave Me to Me' (Shubert) (1,590; \$3.30). Broadway smash. Unanimous trade prophecies to that effect. Third week brought further improvements in a production that looked like a hit right from the start. Third, final week, good \$28,000.

'Golden Boy' (Plymouth) (1,480; \$2.75) (3d wk)—Second best grosser in a town loaded with important competition. Clean, successful run with \$13,000 for finale.

'Shadow and Substance' (Wilbur) (1,200; \$2.75) (3d wk)—Starring vehicle for Sir Cedric Hardwicke is pleasing. Boxoffice for four weeks, stanzas is warranted. Third week okay \$10,000.

'Lightnin' (Colonial) (1,643; \$2.20) (1st wk)—Overwhelming reaction to Fred Stone in this classic during the New England straw hat season not reflected in his opening week here.

No objections to the star, but the dated play is the b.o. deterrent. Around \$5,500 for first frame. One more week.

BALTO LEGITS DARK; 2 COME IN NOV. 21

Baltimore, Nov. 8. No shows listed here until Nov. 21, when both Ford's and the indie booker Maryland will open their doors. 'Golden Boy' is slated for the former and return engagement of 'Brother Rat' listed at the latter. Ford's also billing 'Lightnin' for week of Nov. 28.

With biz for legit supplied thus far extra big, local newspapers and civic-minded citizenry putting up considerable amount about the lack of attractions. Don't like spirit weeks, attempted twice already this year, either.

Cornelia Otis Skinner in for two days beginning Friday (4), at the indie Auditorium did fairish business; garnering some \$3,300 at \$2.75 top.

Heat Hits Bankhead In Cincy, Slow \$7,500

Cincinnati, Nov. 8. Advance sale on 'Id Rather Be Right', which comes in the last half of next week, indicates that it will come close to the \$21,500 capacity for four performances at \$3.96 top. George M. Cohan show will be presented in the 2,500-seat Taft auditorium.

'What a Life' is current at \$2.26 top.

Estimate for Last Week
'I Am Different' (Cox; 1,336; \$2.75). Warm weather and hallowen are b.o. alibis for slow \$7,500 for Talulah Bankhead.

Lunts Okay 13G In Philly; 'Lady' Slips to \$14,000

Philadelphia, Nov. 8. Philly still has three of its four legit houses occupied this week, despite one week's dark spell for the Chestnut Street opera house, and there's a good chance all four will have attractions next week. So far the 1938-39 season has had 40% more activity than that of the last two years, although box-office trade has not been upped in commensurate fashion.

This week's opener is 'Golden Boy', in at Locust for two weeks as an ATS subscription offering. First offering ('Amphitryon 38') played the Chestnut, and it is highly probable one of the later ATS pieces will be shown at the Forrest, which means that the subscribers will do plenty of moving around this season. Smaller capacity of the Locust makes watches plenty tough for office force, especially as regards topheavy balcony subscription.

Next week's newcomers are the Fred Stone revival of 'Lightnin' at the Chestnut, and 'Shadow and Substance' for a two weeks' repeat, this time at the Forrest. It played at the Chestnut last season during its tryout tour of the East, where it rave press. The doubtful house next week is the Erlanger, where 'Brother Rat' is playing a return. Originally skedded for two stanzas, looks very likely it will be a third, thus keeping house occupied up to the Mask and Wig opening Nov. 21. That date also sees the local premiere of 'Our Town' at the Locust on subscription.

Next tryouts to come along are Thornton Wilder's 'Merchant of Yonkers', at the Forrest in December, and Dwight Deere Wiman's musical 'Swing to the Left', which comes to the same house Dec. 19.

With the end of the two-week run of 'Amphitryon', the Lunts' biz at the Chestnut for their single added week of 'Sea Gull' (Forrest's 2d wk) is down, but led the town with \$13,000. 'Great Lady' (Forrest), 'Whitecoats' (Locust) and 'Brother Rat' (Erlanger) trailed in that order.

Estimates for Last Week
'The Sea Gull' (Chestnut). One week only. (1,000; \$2.85). Came in for single week of interest at 'Amphitryon's' two weeks of subscription.

'Brother Rat' (Erlanger) 1st week. (1,750; \$2). Successful stay, a third week being reported very likely. \$6,500 at this scale was profitable.

'Great Lady' (Forrest) 2d week musical slipped to \$14,000 without aid of Penn-Navy football crowds. Stays this week, however, and is reported in much better shape.

'Whitecoats' (Locust) (2d week) (1,400; \$2.85). Figured to build in final week, but slipped to \$11,000. However, engagement of Barrymore week was definitely profitable. 'Golden Boy' this week.

Future Plays

'Everywhere I Roam', a play with a choral and dance background by Arnold Sundgaard, will be presented by Marc Connelly and Bela Blau. It will replace Connelly's 'The Land of the Living', which has been set back until after New Year's.

'Set for Music', a new revue by Noel Coward, will open in January sponsored by John C. Wilson and stars Beatrice Lillie, who arrived in New York last Thursday (3) to start rehearsals.

B'way Biz Eases Off, Election Eve No Help; 'Knick' Climbs, \$20,000, 'Abe,' 'Kiss' Capacity, 2 New Duds

Some of Broadway's good things moved higher last week, although the upping of grosses was not marked. The list generally eased off after the opening half of the week was well ahead of previous figures. Saturday night was comparatively weak.

Explanation was continued mild weather and anticipation of two holidays this week—Election and Armistice Day. Election eve, Monday (7), however, was comparatively light. Figuring on an influx to the midtown, some shows have scheduled four matinees this week, but most of the midtown matinees switched from Wednesday to Election Day.

Last week's three arrivals were not highly regarded, although 'Danton's Death', Mercury may make the grade despite a mixed press, with one exception. 'Run, Sheep, Run' is rated an in-between at the Windsor, while 'Halt in Goose Step' was yanked out of the Hudson after seven performances.

'Knickerbocker Holiday', which drew divided reviews, appears to have made the best gain, gross bettering \$20,000. While that is not capacity at the scale, it is regarded as promising at the Barrymore. 'I Married An Angel', still tops among the musicals, with 'Hellzapoppin' a close runner-up. The capacity draws among straight shows are 'Abe Lincoln in Illinois' \$19,500, 'Kiss the Boys Goodbye', nearly \$16,000, and 'Oscar Wilde', which touched \$17,000, a new high. Full-length 'Hamil' also improved to nearly \$18,000.

Only one debut this week, it being 'Leave Me to Me', musical, at the Imperial. 'Where Do We Go From Here' was put back one week at the Vanderbilt. In addition, next week's entrants are slated to be 'Lorelei', 'Longacre', and 'Ringside Seat', Guild.

'Abe Lincoln in Illinois', Plymouth (4th week) (D-1,036; \$3.30). Selling out all performances; takings around \$19,500; gross would have gone higher, but two theatre parties; top the dramas.

'Knickerbocker Holiday', Mansfield (42d week) (C-1,097; \$3.30). Still in the running, but to modest takings; helped by cut rates to around \$5,000, helped by cut rates to around \$5,000; 'Glorious Morning' next attraction.

'Danton's Death', Mercury (2d wk) (D-1,036; \$3.30). Opened last midweek drawing mixed notices, mostly on the down side; fair business after opening; 'Too Much Johnson' will be the alternating attraction.

'Hellzapoppin', 46th Street (38th week) (R-1,375; \$3.30). Over \$20,000 and may go into list leadership when moving to Winter Garden late this month.

'I Married An Angel', Shubert (7th week) (M-1,367; \$4.40). Demand in the agencies tapered somewhat, but reviews to sell out with top gross of \$20,000.

'Kiss the Boys Goodbye', Miller (7th week) (C-944; \$3.30). Turn-away business for all performances, all seats, except one, sold out, with gross close to \$16,000 mark.

'Leave Me to Me', Imperial (1st week) (M-1,488; \$4.40). Presented by Vinton Freedley; 'Spewacks' 'Clear All Wires', Cole Porter tunes, fared well in Boston; opens tonight.

'Knickerbocker Holiday', Barrymore (4th week) (M-1,098; \$4.40). Climbed further and looks like it may be business last week after \$20,000, which places it well up among musicals.

'Oscar Wilde', Fulton (5th week) (D-913; \$3.30). Cleaning up; with standees more evenings, the pace went around \$17,000 mark and cinch run is indicated.

'Our Town', Morosco (41st week) (D-913; \$3.30). Leaves road after another week; has been faring well enough, though not at big money; around \$5,500, quite profitable.

'Run, Sheep, Run', Windsor (2d week) (CD-593; \$3.30). Opened last week with press not favorable; will be tried for while, however.

'Sing Out the News', Music Box (7th week) (R-1,013; \$4.40). Picked up in pace last week, but Saturday night somewhat off with field; approached \$16,000.

'The Fabulous Invalid', Broadhurst (5th week) (CD-1,116; \$3.85). Takings approximated \$14,500 last week; said to turn fair profit at that level; figured to improve.

'Taboo', 46th Street (257th week) (C-1,107; \$1.65). Long run drama seems inexhaustible; low operating net permits continuance to sell out with takings approximating \$5,000.

'You Never Know', Winter Garden (8th week) (R-1,671; \$3.30). Slated to slide out when 'Hellzapoppin' goes to Windsor; business claimed \$16,000, which may be even break for musical.

'Victoria Regina' (repeat) Martin

Beck (6th week) (CD-1,214; \$3.30). Eased off somewhat last week with gross around \$16,000; still important money for repeat.

'Wait in Goose Step', Hudson. Opened Tuesday (1); weak press; taken off Saturday (5).

'What a Life', Baltimore (30th week) (C-991; \$3.30). Using flock of two-for-ones, which is bringing in school audiences; last week cleared over \$4,500 and apparently satisfactory for four weeks.

'Where Do We Go From Here', Vanderbilt. Postponed until next week.

'Fast Can't Take It With You', Ambassador (100th week) (C-1,156; \$1.65). Moved here from Imperial last week; finished to standee trade, with takings fair at approximately \$6,000.

Revival
'Hamil', St. James (5th week) (D-1,520; \$3.30). Picked up as expected, with takings nearly \$18,000; all performances now full-length versions.

Added
'Fins and Needles', Labor Stage (50th week) (R-900; \$2.75). Original cast slated back from road; at that time half a dozen new numbers will be inserted and fresh interest should cause better box office.

'The Girl From Wyoming', American Music Hall (3d week). Musical, meller in night spot; fair draw.

'On the Rocks', Daly's.
'The Big Blow', Elliot.

COHAN'S 'RIGHT' SRO \$33,200 IN PITTSBURGH

Pittsburgh, Nov. 8. George M. Cohan's 'Id Rather Be Right' gave Nixon its first bona fide smash last week, rolling up sensational \$33,200 for house's best take in couple of years. Management originally tried to pencil it in for two weeks, which it could have played easily, judging from demand. Had it been a war like it for tickets since Helen Hayes came here in 'Victoria Regina' just a year ago. Before opening night house was practically gone, save for few last rows downstairs and a scattering in second balcony. These were quickly gobbled up early in week and Cohan showed to an average of 50 or more standees at every performance. Even the boxes went clean nightly, an unusual occurrence here.

Ethel Barrymore, current in 'Whitecoats', is off to flying start, with Mercy-Hospital women's auxiliary buying out the entire house last night (Monday). First time for star here in almost five years and quite a bit of interest in her usual draw. Lunts follow in 'Amphitryon 38' as second of ATS series.

Estimate for Last Week
'Id Rather Be Right' (Nixon; 2,100; \$3.85). George M. Cohan's biggest thing in several years, knocking off sensational \$33,200 and turning 'em away at every performance. Mate with even above the usual draw of topnotch femme names, which was surprising.

B'klyn Legit-Minded;

'Moon' Good \$3,000

Brooklyn, Nov. 8. Reopening of Brattleboro Theatre gives City of Churches two legit houses, other being Shubert. Also indicative of keen interest in stage matters was the three-act kid ballet of 'Little Red Riding Hood' Saturday (5) at Academy of Music, which played to sellout and usual draw of topnotch femme names, which was surprising.

Shubert biz zoomed with showing of 'Moon Over Mulberry Street', Brattleboro opened with 'Conjur' new opus about Negro life and will hold it another week.

Estimates for Last Week
'Moon Over Mulberry Street' (Shubert) (1,750, 25-85). Around \$3,000, good.

'Conjur' (St. Felix) (287; 50-\$1.50). Small house with fair subscription list. Opening week mild \$500.

'Boys' \$11,000 in N. H.

New Haven, Nov. 8. Ballet Russe cashed in on a one-performance stand here last week (Oct. 31), getting close to \$3,000 for single show.

Preem of 'Boys from Syracuse' (Nov. 3-5) drew favorable press and nice word of mouth, building to final one, when the 'Great Lady' set for next week 15-19.

Estimates for Last Week
Ballet Russe (Shubert) (1,600; \$2.75). Nice take for single show, around \$3,000.

'Boys from Syracuse' (Shubert) (1,600; \$3.30). Big doings at hefty \$11,000 on four shows.

Guild Wins 3 Philly Victories

Three major and unexpected victories were won by the Philadelphia Newspaper Guild unit within the past week. Most significant was the agreement of the Bulletin, after months of haggling, to recognize the Guild as collective bargaining agency for its employees. It originally demanded a Labor Board vote, but has withdrawn the request. Negotiations began at once for a contract, which, it is expected, will be ready soon. What makes the victory important to the Guild nationally is the fact that Robert McLean, publisher of the Bulletin, is chairman of the board of the Associated Press and active in the American Newspaper Publishers' Association.

Second victory was the granting of a Guild shop by the Inquirer, which was accompanied by raises to about 75 staffers. Closed shop and minimum clauses were left open in the contract signed in August. Minimums are now near highest in the country, with \$75 to deskmen, \$60 to copyreaders, writing room, and review men, and \$52.50 to reporters.

Defeat of a company union, withdrawal of an A.F. of L. charter to it and the signing of a Guild contract was the third victory, won on the Camden Courier-Post. Following threats to picket the paper by both CIO and A.F. of L. unions, A.F. of L. took up its charter and three days later J. David Stern signed the Guild contract. It gives employees a 10 percent raise a year, including increases from \$35 to \$45 as top minimum for reporters.

Victor Watson a Suicide

Victor Watson, stormy petrel of the Hearst organization for years, committed suicide Nov. 3 by leaping from the 11th floor of the Abbey hotel, New York. He had checked in a few minutes before as 'George L. Jones of Chicago.'

Watson, who started with the old New York Press as a cub reporter and rose to associate publisher and managing editor of the New York American, was a colorful figure in newspaper circles. He was best known as a crusader and for a violent temper. Once he tore out all the telephones in his office and pitched them out of the window (when the N. Y. American was at 233 William street) because his secretary permitted him to speak to somebody with whom he had been at odds. Again, when his shop crusade brought him into conflict with William J. Fallon ('The Great Mouthpiece'), he threw a typewriter at the lawyer, who had come to his office for the purpose of discussing the matter with the editor. Gene Fowler, on the American's staff at the time of the trial, later wrote Fallon's bio.

Because of his crusading activities Watson built a staff of ferret-reporters for the N. Y. American, that became famous years ago. Three men especially stood out, Carl Helm, now with the Hearst legal staff; Nat J. Ferber, now a freelance writer, and Ralph-B. Frye, currently with the Press Radio Bureau in New York. Ferber and Helm were primarily concerned with uncovering the bucket shops. When this crusade failed to result in a conviction of Fallon for jury fixing, Watson was exiled by Hearst to the managing editorship of the Baltimore American. Later he returned as advisory editor of the N. Y. American, with subsequent transfers to the N. Y. Mirror and the Chicago Herald and Examiner. Relieved of the latter post several months ago, Watson came east as promotion man of the Sunday edition of the N. Y. Journal-American.

To his intimates Watson insisted that he wasn't greatly concerned with his demotion in the Hearst ranks. He claimed that he'd been down before and had risen to the top—and would do it again. However, he brooded about his marital troubles with the former Kathleen (Peggy) Nolan, sister of George Brent, film player; Watson had hired her for the N. Y. American as the first femme photographer; they were married in 1928 and she divorced him recently in Reno. The editor to the end believed she would return to him, feeling that she had been misadvised, but deep melancholia set in a few weeks ago when he read that she had made plans to marry again.

Watson was known to show business. He was once drama editor and also handled the N. Y. American Christmas Fund for years. His chief means of raising funds were via Sunday night benefit shows, the editor employing a special staff every year under Ralph B. Frye to line up talent. He was also power-

ful politically during the regime of Mayor John F. Hyman in N. Y. Hyman was Hearst's man, and Watson pulled the strings, even being accused of writing the Mayor's speeches. Watson's brother, Joe, also on the editorial staff of the N. Y. American, committed suicide about 20 years ago by shooting himself. Only survivor of the editor is his mother, Harriet Watson of Flushing, L. I. In ill health for a long time herself, Mrs. Watson collapsed at the news of her son's death.

Passing of Watson recalls newspaper practices along Broadway of a generation back. Accompanied by Wesley Hamer, he used to range the show district in the 'solicitation' of advertising from legit managers, the duo being referred to as the 'under-lakers.' Also 'Mutt and Jeff,' Hamer being of slight stature and Watson having ample girth.

They never sought small copy, a page at \$1,100 being the objective and often obtained for several reasons. In return, special stories, cartoons and other matter were promised and generally delivered. They also made no bones about picture coverage.

Watson for years was regarded as being one of W. R. Hearst's confidants and it is reported that the publisher was deeply shocked at his death.

Int'l Book Trade Mag

Project for an international book trade mag is being worked on by Alfred O. Mendel, foreign-language book contact man for Longmans, Green. Publication, to be known as the Book Prevue, will make its initial appearance around the start of the new year.

Mendel's idea is that better contact is needed between American, European and South American publishers, and between publishers and authors over far-flung areas. His mag, accordingly, will be a medium of exchange on trade information and wants. Will list each country's best-sellers and literary trends, together with such information as what scribblers would like to write, what publishers would like to print, etc.

Mag will aim to facilitate acquisition, and sales of book rights between one country and another, and otherwise promote better relations among the international publishing fraternity. Publication of Book Prevue will be in English, with possibility of a French-language section to be added later. Will appear monthly, or more often if warranted.

Pitt Guild's New Officers

To facilitate coming negotiations with publishers, Pittsburgh unit of American Newspaper Guild, named officers earlier than usual this year, electing Howard Browning, political reporter on Sun-Telegraph, president, and Leo Finegold, purchasing agent for Post-Gazette, v. p. William Burson, of P-G business department, is the new treasurer and Mrs. Helen Minear has been re-elected secretary, now a paid position. New Sun-Tele contract came up for consideration in a couple of weeks and while negotiations haven't started yet, Guild chiefs have already met with publisher to map the procedure for conferences. Post-Gazette and Press Guild agreements have until March 1 to run.

Book-Mag Guild's New Officers Book and Magazine Guild has an almost wholly new roster of executives as result of resignation of Helen Thompson as executive secretary, and declination of renominations by previous officers.

New exec sec is Lillian Price. Principal newly-elected officers are Robert Joseph, twice head of the old Guild, press; Isabel Walker Soule, first v. p., and Helen Mallow, treasurer.

Guild has a closed meeting scheduled for tonight (2) to take up a number of matters as well as to install its new executive board members and elect a financial committee. Also has a number of minor amendments to the by-laws to act upon.

Whodunits on Regular Sked

Mystery Book of the Month idea tried out by Hillman-Curl, book publishers, has been put on a permanent basis. Corporation called Mystery Book of the Month, Inc., has been formed, with Alex Hillman as prez. Will give the monthly mystery book thing a separate identity apart from the regular Hillman-Curl organization.

Experimental starter was a reissue of a whodunit from the regular Hillman-Curl list. Succeeding titles will now be originals. Volumes are paperback, at 25c a copy. Vogue for that type of reading matter has been on the rise lately.

Don Marquis' Unfinished Book

After much pondering those close to the late Don Marquis have decided that his last book, left unfinished at his death, will be published as is. Debut of Marquis' literary friends should complete the work, but finally decided to issue it without addition or revision, and with the notes left by the writer for its conclusion.

Action similar to that was taken in the case of Edith Wharton's last work, 'The Buccaneers,' also left unfinished at her death. Decision was to publish as much of the book as she wrote, and no more.

Marquis' work, to bear the title of 'Sons of the Puritans,' will be published the middle of February by Doubleday, Doran. Understood that the book, a novel, is generally autobiographical.

Film Tieup On Book Week

In connection with the national observance of 1933 Book Week, which gets under way Nov. 13, National Board of Review of Motion Pictures has its 17th annual listing of selected book-films. List is made up of films derived from published novels and plays, or possessing so-called book value tie-ups. Board suggests to book-sellers they try and get local theatres to show book-films during Book Week to help put across the special observance.

Additional information on book-films is available in such publications as the National Board of Review Magazine, Weekly Guide to Selected Pictures, Book of the Week, Filmography Studies and Group Discussion Guide, and Film Guide.

Thornton Quits Holt

Richard H. Thornton is stepping out of the presidency of Henry Holt & Co., the book-publishing house. Will be succeeded by Edward N. Bristol, chairman of the board, who previously held the post. Understood that Bristol will only fill the presidency post of the company temporarily, or until the board can decide on a permanent successor to Thornton.

Besides the post of president, Thornton also had charge of the firm's trade book department.

Lex Buys Psychology Mags

While Resolute Publications is in litigation, firm's two mags, Psychology and Psychology Digest, have been acquired by Lex Publications. Eldora Field, editor of the two periodicals, and Emilie E. Allen, associate editor, have gone along with the sale.

Planned by Lex Publications to give Psychology a big build-up. Besides altered appearance and increase in size, negotiations are now on for the acquisition of two other mags in the same field to join them to Psychology.

Plan Trade, News Tabs

Pretextual plans for a string of tabloid publications in both the general and trade spheres are being made by a new publishing organization calling itself Commonwealth Tabloid Publishers.

Head of the company is Joseph Burstein, many years in the publishing biz.

NEW PERIODICALS

America First, monthly mag to further things American. Sponsored by group known as Made in America Club, and aims to persuade Americans to forget everything and anything stemming from abroad. Mag directed by F. X. A. Eble, with Raymond Beck editing.

Listeners Digest, printing material broadcast over the air, bows in shortly after the start of the new year. Group sponsoring the new publication includes George T. Eggleston, Fred H. Field and C. Foy Hagberg. Eggleston will edit. Mag will be pocket sized and will appear monthly.

Quote is another digest-type mag to carry excerpts of books. Book excerpts to be considerably more brief, however, than those in the many other periodicals of the same type. A monthly with 15c sales price. Digest mags almost all sell at 5c a copy. William T. Thrush is managing director of Quote, with Ralph S. Westing editorial director. Published at Westport, Conn.

Vacationer, new travel and recreation mag, published on the Coast by John J. Conner. To appear monthly. Business manager of the new periodical is Carl Nissen.

Inland Empire, monthly mag to be published and edited in Detroit by Glenn F. Jenkins, former editor of the folded Detroit Saturday Night. Designed to 'keep Michigan in the forefront of a great state' mag will

run 48 pages and use fiction, poetry and humor liberally.

Sierra Gold Mining News, novelty monthly newspaper published in Bakersfield, Cal. Its sponsors have arranged national distribution. Designed to call attention to Kern County as a gold-producing center. Publishing is Plute Publishing Co., with A. Overman editor.

Jitterbug, new mag for the country's youth, to make its bow shortly sponsored by Lex Publications. Publication bi-monthly, with M. R. Reese editing. Popular music and music-makers to be prominent features of the periodical.

Reviving Southern Lit. Messenger

After some 75 years, famed old Southern Literary Messenger is in process of revival. August Dietz, Jr., and F. Meredith Dietz, who operate the Dietz Press, book publishing house in Richmond, Va., will bring the mag to life again and expect to get out the first issue around the middle of December.

As previously, Southern Literary Messenger will be a sectional publication and will promote Southern literature and the arts. Will use all types of material, but by and about Southerners only.

Southern Literary Messenger was founded in 1834 and was published until 1884. One of its editors was Edgar Allan Poe. Revived mag will be edited by the two Dietzes.

Photo History Led

Although mentioned at the time of its suspension of the picture mag, Photo History, that it might resume in the fall, there's no likelihood of its resumption. Declared at the offices of Richard S. Childs that the pictorial publication is dead as far as Childs and the others previously connected with the publication are concerned.

Childs is currently the head of Modern Age Books.

Van Doren Quits Nation

Pressure of his teaching duties at Columbia University has forced Mark Van Doren to quit his post of film critic for The Nation. He is a professor of English.

Van Doren is being succeeded by Franz Hoellerling, a German refugee, who takes over his new duties on the bi-monthly with the issue of Nov. 12. Hoellerling has been a frequent contributor to The Nation.

Schenectady Strike Settled

Contract signed by the Daily Gazette, Schenectady, N. Y., with the American Newspaper Guild, after a five-day strike called by the Tri-City Guild, provides for a five-day, 40-hour week, minimum wages up to \$42 weekly after three years' experience, and severance pay equivalent to one week's salary for each year's work up to 15 years.

Strike was the first called by the Tri-City Guild, which includes Albany and Troy territory.

New Pulp Chain's Nucleus

Couple of mags, Western Yarns and Adventure Yarns, published by Blue Ribbon Magazines, have been transferred to a newly formed affiliate, Columbia Publications. Step is preliminary to building up of a chain of pulps carrying the Yarns designation and covering a variety of subjects.

Western Yarns and Adventure Yarns are edited by Cliff Campbell, with Louis H. Silberkleit as editor-in-chief.

LITERATI OBITS THIS WEEK

Herbert W. Nichols, 56, publisher of the Stuebenville (O.) Herald-Star, died suddenly at his home in that city of a heart attack Nov. 1. Death came only four days after he had been named to the publishing post. Nichols had been in the business for several years as business manager. Nichols joined the Herald-Star in 1896 and had been associated continuously with that paper for 42 years.

Charles F. Berkemeyer, 67, former Pennsylvania newspaper publisher, died at his home in Allentown, Pa., Nov. 20. Starting as an associate with Jacob Esser, he became co-publisher in his native town of the Kutztown Patriot and Kutztown Journal. In 1894 he founded the Bethlehem (Pa.) Daily Globe, now the Globe-Times. He sold that in 1903 and founded the Bethlehem Evening Sun by buying out the old Star.

Thomas Wakeman Lane, 78, one of Philadelphia's oldest newspapermen, died at his home in that city Nov. 4. Until his last illness, three weeks ago, he was active as an editor of the Philadelphia Bulletin. Starting on country weeklies, he went to Philadelphia in 1883 and worked on the Times, the Public Ledger and the North American.

CHATTER

'Tinley Harms will go to Brazil for some book deals.

Myron Zellenkraft to Georgia to look it on the folks.

Harold S. Latham, Macmillan editorial head, on the Coast hunting for book scripts.

Frank W. McDonough, who edits Better Homes & Gardens Magazine, a new puppy.

Glenn Watrous will chuck advertisement copy writing to devote his full time to fiction.

Wells Lewis, Sinclair's son, has placed his novel with Farrar & Rinehart. Calls it 'They Still Say No.'

William B. Ziff, mag publisher, has authored a book, 'The Rape of Palestine,' issued by Longmans, Green. Robert Frayne Chapin and Charles King dramatizing Lee Shippey's novel, 'The Great American Family.'

John Forbes, who completed his semi-fictional opus on newspaper work, which was suggested by Simon & Schuster.

Storm Jameson coming over after Christmas for a lecture tour. Femme scribbler recently elected president of the British P.E.N. Club.

Maxine Block, editor of Motion Picture Review Digest, has a piece on film critics in the current Metropolitan Motion Picture Bulletin.

Memoirs of Howard Spring, author of the best-selling 'My Son, My Son,' go into the Atlantic Monthly beginning with the January issue.

Robert E. Sherwood completing notes and references for his 'Abe Lincoln in Illinois,' to be published by Scribners in about a month.

Robert E. Sherwood has completed the bibliography, notes and references for his 'Abe Lincoln in Illinois,' which Scribner's will publish in December.

Bennett Cerf, Random House book publisher, posts from Barcelona, where he's behind the Loyalist front, that Spain is the most exciting part of Europe today.

Art Book Publications has been formed by Alexander Deutsch, to serve as an American sales representative for a number of French mag and book publishing houses.

Not to be outdone by her husband, Edgar Snow, who wrote the best-selling 'Red Star Over China,' Nym Wales has written a book called 'Inside Red China.'

Honor Earl, niece of Somerset Maugham, on her next novel, 'Mrs. Earl,' will shortly have an exhibition of her pastels and charcoal of theatrical personalities.

INS has begun sending out on its wires Charles A. Wagner's weekly book column. Feature, by lit ed of the N. Y. Mirror, treats informally of books and literary personalities.

Selected pieces by the late W. J. Henderson, who served as critic for the N. Y. Times and the Sun, to be published by Dial Press on Nov. 18 under the title 'The Art of Singing.'

Purpose of the Burton Rascoe visit to Oklahoma was to pick up some material for a book. Incidentally, Rascoe began his scribbling career on the Shawnee, Okla. Morning News.

Padraic Colum in New York. Milo M. Thompson leaves shortly for London to fill the newly-created post of AP General Executive for Europe. Now chief of Washington bureau.

Paul Howard, distantly related to the Howard newspaper clan, appointed special U. S. rep for Illustrated London News, to arrange special N. Y. World's Fair edition of London paper.

Another new publishing house in the low-priced book field is Dollar Publications, quartered in Chicago, and with a Canadian branch in Toronto. Firm will get out non-fiction titles to sell at \$1.

That's all for the Second Series, which Harcourt, Brace issues this week, is another collection of essays by Paul Valery. His first group of essays, published about 11 years ago, bore the title of 'Variety.'

New York branch of the National League of American Penwomen held its first dinner of the season at the Murray Hill hotel. Guests of honor were Ida Benfey Judd, Gertrude Atherton, Alice Hunt Bartlett and Audrey Wurdemann, last-named national president of the organization. Annual O. Henry Memorial Awards for the 20th year went to two well-established literary figures and one of whom was unknown. First prize of \$300 was won by Alvin Toffler for his story, 'The Happiest Man on Earth,' published in Harper's, and third prize, \$100, carried off by John Steinbeck for his 'The Promise,' in the same mag. Winner of the second prize, \$200, is Richard Wright, young colored Southerner, for his 'Fire and Cloud,' in Story.

Broadway

Hugh Leblang in a Bronx hospital. Percy and Jean Elkes off to Miami.

Loew State's Al Rosen celebrated birthday Friday (4).

John Koenig designing the sets for "Here Come the Clowns."

Al Roth, NBC conductor, back from hunting trip in Maine.

The Jack (Stork Club) Entraters back from their honeymoon.

Ed East wintering at Westchester Country Club, solely on account of his dog.

Blanca Strook designed costumes for "Linton Freedley's forthcoming 'Flying Ginzburgs'."

Lou Mindling, of Music Corp. of America, has dropped 40 pounds through five-month diet.

Betty Bryant (Mrs. Harry Sosnik) galloping through Manhattan on quickie from Hollywood.

Mortimer Fishel, theatrical attorney, to the Coast end of this week on technicians' wage-hour parleys.

Former Judge Frederick E. Goldsmith has moved his law office. His associate is Isadore M. Lapan.

Kitty Doner now with Don Winclair's Jamaica branch of Meglin-Fantech & Marco dancing schools.

Irving Kaye Davis, still recouping in Palenville, upstate N.Y., is managing to work on several new plays.

Don Bestor's 11-year old daughter, Mary Jane, is appearing with Bob Emery's Rainbow House program on WOR.

Nancy Hedrick (Mrs. Herman Bernstein) returning to Broadway after completing a commitment at RKO.

Brooks costumery preparing to move to Sixth avenue with demolition of the 'El' and opening of new subway.

Divorced wife of Gaston Bell, former legit player, died recently in Santa Barbara. Bell now lives in Woodstock, N.Y.

Harry McRae Webster, former Broadway legit director, who had a nervous breakdown some time ago, is reported much improved.

Jimmy Walker, toastmaster the Philadelphia Variety Club's fourth annual banquet, will be at the Bellevue-Stratford in Quakertown Dec. 11.

Arthur Greenblatt, Gaumont-British eastern division manager, back in New York for the election after several days on business in Boston.

Lynne Jaffee, Fred Schmidt, Moe Schreier, Olive Pearson returned to original "Pins and Needles" company after tour of Europe.

Gladys Stanley, wife of Francis Lederer, English impresario, sailed Friday for London after visiting her brother, an inventor, in Connecticut.

Leo Fischer, executive-secretary of the American Guild of Musical Artists, to Chicago to huddle with the management of the Chi Civic Opera.

Nasib, theatrical photog in the Palace Bldg., in voluntary bankruptcy. Liabilities, \$41,387; assets \$50.

He's Nasib Kaposchian in private life.

Mary Mason will play the ingenue lead in "Yes, My Darling Daughter" next week at Broadway N.Y. City.

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du Jour's first here since return from Hollywood.

Michelle Alfa set for one of leads in Marcel Achard's new play, "L'Inconnue," at Gymnase.

Lys Gauty appearing on stage of Mores-Rouge where her first film, "Le Goualeux," is premiering.

"Madame Sans-Gene," made in silent days by Gloria Swanson, to be produced here by M. Richebe.

Henri-Diamant-Berger off for Hollywood with first copies of his "L'Orgie Folle," which he just finished.

Emma Calve, now over 80, one of most famous of French Carmens, assisting at Oper Comique for 100th anniversary of Bizet.

Maurice Chevalier announced from Casino de Paris stage that Josephine Baker expects baby. Miss Baker in the audience.

Pittsburgh

By Hal Cohen

George Curry's two-year-old lad broke his collar bone.

Edie Taylor, who left for Detroit to do some commercial posing.

The Ira Cohns sail middle of next month on South American cruise.

Regent theatre, East Liberty, celebrated silver anniversary last week.

Irene Cyphers gets lead in Catholic Kish's first show of season, "New Sin."

Bob Eichler has rejoined brother Fran's orchestra after an appendicitis.

Norman Prescott brought Wally Ford on with him for Variety Club fund drive.

Mrs. Reed Kendall, wife of L.A. Times film columnist, here visiting her family.

"Ice Follies" booked for 10 days at Duquesne Garden beginning night after Xmas.

Warner Club will hold its annual dinner dance at William Penn hotel Sunday.

William Penn hotel has booked Bavarian troupe into its Grill for indefinite stay.

Treatorous woman has quit greaspat temporarily for a selling job in a local dress shop.

Freddie Bartholomew left town with football autographed by members of Pitt team.

Grace Price Katz, niece of A. H. Woods, directing new Pittsburgh Children's Theatre.

Mask and Wig Club's "All Around Town" cancelled for performance at Syria Mosque Dec. 26.

Burt Bishop and John Maloney get back next week from their prize-winning M-G trip to Paris.

Kansas City

By John Quinn

Gene Autry making broadcasts over six radio stations during his personal at the Tower last week.

R. J. Dwyer and bride, Anne Rife, left for honeymoon to the West.

John McManus, of the Midland, host to him.

Lecture dates of Buddy Westmore and Travis Banton set for Music Hall.

Mickey Gross, Denver theatre manager and former RKO man in Sioux City, stopping to see friends along the river while vacationing here and in St. Joseph.

Plays on B'way

(Continued from page 56)

ever, wins him over and they are permitted to land safely after the dictator promises him an important position by his side, first warning Von Laidi to keep his hands off the good-looking kid.

Action in the following two acts is placed in Von Laidi's apartment and accentuates the voluptuary's rich mode of living. In the second act he unsuccessfully tries to win over to his side The Leader's sweetheart, Frieda.

The Leader's sweetheart, Frieda, is the voluptuary's rich mode of living. In the second act he unsuccessfully tries to win over to his side The Leader's sweetheart, Frieda.

Aside from Oscar, the only other player to stand out is Miss Dalton in her brief bit. Miss Fiory is completely ineffective as Harol.

London

Firth Shepherd off to the south of France for a month.

Julius Hagen says he's on the verge of bankruptcy.

John Garkick to Hollywood to recuperate after recent illness.

Oscar Asche, who made \$1,000,000 out of "Chu Chin Chow," left \$100.

Diamond Bros. at Savoy hotel for five weeks, opening Monday (14).

Hugh French slated for the Noel Coward revue, sailing for New York Nov. 18.

Members of Tom Arnold's "Bala-lala" company playing the sticks are on a 25% cut.

Jack Egger has piece in "Paprika," which goes back to the West End early next month.

Empire, Leicester Square, due for 10th anniversary of rebuilding as Metro show.

"Girls Must Live," Gainsborough Films' next, has Margaret Lockwood and David Burns as leads.

Larry Adler to leave in February, with Charles Tucker, his agent, lining up vaudeville dates for him.

"Idiot's Delight" doing near capacity at His Majesty's theatre on its popular price policy. Lee Tracy is the star.

Capella and Beatrice, just terminated ballroom engagement at Savoy, off to Les Ambassadeurs, Paris.

Earl Bailey, local head of Music Corp. of America, was in bed with neuritis, but got up to try to Berlin on bus.

Calgary Bros., after four weeks at the Savoy hotel, set at Dorchester hotel for six weeks, which Henry Sherek will direct.

Anthony Eden will be guest of Cinematograph Exhibitors' Assn. when London Branch holds its annual banquet next month.

West Hill cinema, in "Pygmalion" film, announces six months' retirement. She married Ronald Gow last year. Heir is due in January.

Rumor deal on for Paramount to purchase Amalgamated Studios at Elstree. Another rumor studio may be converted into a munitions factory.

Gordon Harbord has given up idea of doing musical based on life of Lola Montez, adapted by Eric Palowitz, which was to star Mary Ellis.

Stoll Film Studios, Cricklewood, put off for auction, were withdrawn after an offer of \$205,000. A bid of \$100,000 also made for the property alone.

Reported that Bert Ambrose may return to Cafe de Paris in about three months, with a new aggregation. But band will be smaller, probably eight pieces.

Not generally known there are no film studios in Elstree. Studios actually in Elstree are two, miles from Elstree, with locals calling neighborhood "Boreham Stiff."

Jack Waller says "Bobby Get Your Gun" at the 12 Londoners' musical "Will in future concentrate on straight plays, with first one to be "The Women," which he'll do with Jack Buchanan.

Prince of Wales theatre revue could have stayed longer, but had to be taken off since Naumton Wayne, the star, wanted by Henry Sherek for his Elstree orchestra hotel, refused to double.

Monty Banks to N.Y. and Hollywood, and expected to be away a couple of months. Main object of visit is to bring back "The Great Fields" next picture, due to start early in February.

George Sanders, as soon as he finishes "The 12 Londoners," the 20th-Fox picture, will go into "Jorjicks," starring Sydney Howard, his first picture for this company. Megging starts in London.

Margaret Bannerman, stage and screen actress, rushed to hospital for emergency operation, after being found badly injured in country lane near Elstree. Accident caused by tripping over dog's leash.

Manley and Austin leaving the Palladium show to fulfill Christmas pantomime commitment. May be replaced by Bob Enley, who's also wanted by Eddie Deuberg for two months at the Scala, Berlin.

Charles L. Tucker's mother-in-law left \$800,000, to be divided equally between her daughters, one of whom, Tucker's wife, is former Violet Essex, musical comedy star. Tucker is one of the executors of the will.

Odin is having 22 commissionaires (ex-soldiers) as uniform lobby attendants. Told to wear their military medals on an evening when Queen Mary and second Mrs. turned up with over 800 decorations.

Walter Mycroft, production head of Associated British Pictures Corp., giving the cabaret sequences in "Murder in the Mind" to Diana Wynne, result of her satisfactory work in "Premiere," another ABP epic, in which she doubled for Judy Kelly.

When Associated British's lease of the Rialto ends next spring it's not likely to be renewed. Rialto, subleased to Associated by the Claverings, was once the first super in the West End, though lately used more for repertory.

Three bands will provide the dance music at the 19th annual Variety Ball to be held at Grosvenor House, Nov. 18, at 10 o'clock. Bands: Misses Benevolent Fund and Institution.

(Closed Saturday (5) night, published for the record.)

Jack Payne, Billy Cotton and Bobby Howell's bands.

In addition to the 'two for one' system of cut-rate tickets, four different shows are playing to half the regular West End theatre prices. They are, 'Idiot's Delight,' 'His Majesty's Theatre,' 'Glorious Morning,' 'Whitehall,' and 'Behind the Blinds,' Winter Garden. In the latter seats can be had for as low as 12c.

Nitery Reviews

(Continued from page 50)

was one of the most solid smashes seen in this nitery.

Though the crowd would have been satisfied with simple repeats on his old and standby material, Durante came through with bright new numbers and gags. He was all over the place, socking continuously and building the show to a scoring climax.

Evans closes the show with a production number that doesn't have a dance step in it. It has plenty of his inventiveness and novelty (twists) in the past, but it's devoid of skill, taste and class for a surefire novelty.

Evans also contributes two other production sequences, the dance type, concave and cone dancetively. Repeating here is the California Varsity Eight and the vocalists again demonstrate ability to entertain all types of audiences.

Other singing is by Ruth Petty, who does mediocre, colorless pops. Has good pipes and delivery, however.

Lois Harper rates as something of a discovery for the Chez with her excellent solo dancing. Makes fine appearance and works neatly on taps and semi-acrobatic routine.

Not so much enough are Maurice and Marys, ballroom team, who have appearance but need some electricity in their work.

For the show and dancipation, Lou Breck and another, who is neither repeater here and it turns in a capable job on both sections. Gold.

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BOULEVARD TAVERN

(ELMHURST, N. Y.)

Jimmy O'Brien, Darrel & Joyce MacArthur, Lois Kaye, Audrey Noonan, Earle Hart, Cameron Crosby, Jan Fredrick Orch.

Biz is consistently good at this Long Island nitery, unique in that the heavy and noisy crowd is family and the supper trade is gay but decorous. Children are customary sights at the first night shows and

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Hollywood

Charlie Hill to hospital. Joan Davis home with flu.

Bud LeBlair had a birthday. Clara Bow back from the east.

Frank MacFadden to Chicago. Flora Robson in from London.

David Lipton cut a birthday cake. Richard Hayes here from Seattle.

Jerry Wald planned in from N. Y. Earl Carroll cack from Broadway.

Earl Miller ailing with pneumonia. J. Anthony Hughes hospitalized by flu.

Anatole Litvak back from Broadway. Lucence Hazard back from England.

Rudolf Beebe to Lund; Utah, location. F. Scott Fitzgerald in from eastern vacation.

Hedy Lamarr moved into her new hacienda. Myron Scott galandering for Day-tor.

Smiley Burnette to Detroit on personal tour. Harry Brand back at his desk after illness.

Lily Pons recuperating from appendectomy. Roma Burton recuperating from auto accident.

Lily Pons and Andre Kostelanetz in from Frisco. Tay Garnett sold his yacht to Frank Borzage.

Groucho and Harpo Marx back from Broadway. Lucille Gleason to Oakland where her mother is ill.

Bill Hart changed his film name to Bill Hart. Bob Baker recovering from injuries on location.

William von Wymetal got his citizenship papers. Neal Brown tossed a party for 200 employees.

Bruce Humberstone laid up with ptomaine poisoning. Dr. Harry W. Martin to the hospital with pleurisy.

Bob Taplinger moved into new Beverly Hills home. Lincoln Quarberg burned his hand in a gas-blower blast.

Elaine Barrie (Mrs. John Barrymore) recovering from sinus operation. Wallace X. Rawles joined Junior Chamber of Commerce as publicity director.

Bruce Cabot bought string of horses from "Big Boy" Williams and Dick Archer.

Bob Hope, Martha Raye and Elliott Nugent battling epidemic of colds at Par.

Nick DeLuca threw a feast for Carlisle Jones to celebrate his 10th year at the studio.

Minneapolis

By Les Rees

Art Abelson, North Dakota showman, a visitor.

First local jitterbug contest at Armore, this week.

Tony Sarg's Marionettes here for two performances.

Rud Lorenz, Warner Bros. district manager, a visitor.

Nick DeLuca's orchestra next Orpheum stage show Nov. 18.

Franklin theatre, large independent neighborhood house, rebuilt.

University theatre opened season this week with Molnar's "Guardsman."

Walter Nass, of National Screen headquarters, off for St. Louis after six weeks' vacation.

Palace theatre granted boxing franchise and will stage shows once a week in conjunction with films.

Joe Floyd in from Sioux Falls, S. D., to confer with architects relative to new theatre Eddie Ruben is building there.

Freddie Fisher and his Schnickel-trizers back in Twin Cities for first time since their screen advent, playing Hotel St. Paul.

Seger Ellis and "choir of brass" following Lani McIntyre into Hotel Nicollet, Minneapolis, where, with Frankie Trumbauer, due New Year's eve.

New Haven

By Harold M. Bone

"Great Lady" due at Shubert Nov. 15-19.

Ballet Russe a sellout at Shubert one-niter.

Fishman-operated Dixwell (nabe) opened.

Yale drama doing '1008 and All That' Nov. 17 and 19.

Local films (foreign films) under new management this year.

Paramount mulling name bands one Jay (Sunday) weekly.

Bob Russell hosted Robert Donat's local family luncheon as bally for "Citadel" (M-G), in which Donat stars.

Rannev Compton, ex-actor and strawhat operator, has been carrying on an active campaign for congress-man's berth.

Yale drama department's fall major production opening today (Wednesday), is "Love in Parentheses," comedy by Albert Carriere. Winds up Friday (11).

WHAT THEY THINK

Edd Johnson's Beef
New York.

Editor, VARIETY:

I'm beeing about that yarn in last week's legit section—the one about Helen Claire telegraphing denials to southern newspapers of the quotes in an interview with her, published in the N. Y. World-Telegram.

I'm beeing because your yarn left me impression that the quotes really were phoney—that Helen had not said the things she did about southern manhood and southern womanhood.

You and I have been in this business long enough to know that the quickest way to get our chest caught in the wringer is to fake quotes. We know it's a dangerous thing to get that kind of a rep, and so we avoid it by not faking.

Fortunately, I have proof that little Helen said exactly what I quoted her as saying—and not because there was a klibitzer at the interview. But I'm not trying to prove that the lady telegraphed a fib. I'm beeing because your yarn accepted the front-office version without checking on the other side.

At that, maybe I'm lucky.

Helen telegraphed to the southern editors who picked up the World-Telegram, saying: 'It was my first interview after the play opened, and I was frightened and distraught.' Now, if I had known she was that way I'd have grabbed my fedora and fled, because the last time I heard a flower of the south complaining that she had been 'frightened and distraught' the flower went on to say: 'And I just picked up the gun to frighten him... He came toward me... Suddenly, everything went blank... etc., etc.'

Man to man, it's dangerous to be in the same county with them when they get frightened and distraught.

However, since you are a flower of S. W., I feel justified in saying to you this gentle, 'Fie, Sir.'

Edd Johnson.

P. S. I haven't seen—or heard from—the lady since the interview, but I'm wondering if she's going to try to suck back the interview published in last Saturday's *Express* supplement. It had similar quotes.

Edd J.

Although Miss Claire did telegraph a denial of the Johnson interview the Brock Pemberton office says it refrained from doing likewise. However, claimed there that the thing in a telegraph had done everything but actually cause a renewed outbreak between the north and south.

Stan Kavanagh Rebut

New York.

Editor, VARIETY:

Bob DuPont wrote in his letter to *Variety* last week that he had heard of Rich Hayes or Stan Kavanagh before 1921 and that he had nothing original. This is just plain ignorance fanned by professional jealousy. Rich Hayes was a friend of mine and in my opinion did an original outstanding comedy juggling act and his salary in England was twice as much as DuPont is getting right now. My own act is certainly original and was the next-to-closing feature of the 'Ziegfeld Follies' for two seasons.

I started playing the Keith Circuit in March, 1924, and at that time did a lot of talk. In the summer of that year I saw the DuPonts doing a silent novelty juggling act and juggling tomahawks. The next time I saw them was at the Early Atlantic City. The act had been changed to a cross between Rich Hayes and myself. DuPont was doing talk and had nine or 10 of my talking gags. The next time I saw them he'd discarded all the Rich Hayes stuff and became a straight-out copy of me.

I headed a Paramount-Public unit in 1930 and started working solo in 1933, doing the present version of my act, which is practically silent. DuPont is now working alone and silent. After trying to copy my every move for 14 years, DuPont is getting one-quarter to one-third of my salary, and this certainly proves something or other. The tambourine routine was taken from a juggler named Nelson. Oh, yes, the apple trick, my good friend Bobby Mum informed me, was taken from a juggler named Carson.

Stan Kavanagh.

Courtesies to Legits

Brooklyn, N. Y.

Editor, VARIETY:

I have been attending the theatre for many seasons, and I always seem to find numerous things that show that they are only moderate successes. This may sound silly to you, but nevertheless, I cannot see why

Mugg's .708 So Far

In 152 selections made to date, *VARIETY*'s football form picker has compiled a .708 average.

Actually there were 160 selections made from battles in all sections of the country, but nine games resulted in Mexican standoffs and are not counted. If they were, the record would drop to .669. Also not bad in view of the season's many upsets.

they should remain empty during a performance if the buying public is not sufficient enough. There are thousands of unemployed actors and actresses, young and old, who would love to see a performance. Why shouldn't the producers be kind enough to allow these less fortunate Equity members to view a performance at the producer's invitation?

I don't mean a play should continue running just for the sake of the unemployed actor. It is the moderate hits, such as 'Bachelor Born,' 'Knights of Song,' 'You Never Know' and 'Missouri Legend' that I am thinking of. These shows draw fairly nice houses and provide some profit for their managers, but night after night there are at least 100 unemployed seats in each theatre.

There would be nothing for the producer to lose, because the seats couldn't be given away until curtain time, and then the treasurer knows definitely what is and what isn't going to be sold.

Then, again, there is the preview when a show opens 'cold' in New York. Why not invite these actors to witness a performance instead of throwing preview tickets to the 'four winds'?

Stanley Richards.

(Almost every legit manager recognizes the 'profession' for the usual courtesies. It's long been axiomatic among Broadway press agents that they know they have a hit when people start chiseling passes. The interweavers nobody seems to want, even gratis.—Ed.)

More on Security Tax

Hollywood, Nov. 1.

Editor, VARIETY:

With reference to your story of Oct. 26 regarding social security and unemployment taxes, I still think you have not fully stated the answer to this problem.

First, the interpretation of the law clearly defines that a person receiving remuneration of any sort, and the work for which he or she is paid is subject to supervision or direction, is a wage earner within the meaning of the act. There can, therefore, be no question that a radio artist is subject to both acts; this applies regardless whether a radio program is sponsored, sustaining, package or any other kind of labor.

Next, whoever pays the artist—sponsor, station, agency—is compelled to pay the payroll makes the necessary deductions and make the required returns, adding the employers' portion of the tax.

And that's all there is to it. The question as to who finally pays the bill has nothing to do with the government; the laws have been satisfied when the payor makes the return and pays the required combined employer and employee contribution. The government is not concerned as to whether or not the payor passes on the cost of wages or salaries plus the taxes.

R. E. Messer, General Manager.

Raymond R. Morgan Co.

Digitids

New York.

Editor, VARIETY:

Playing these radio games is gradually proving a snare and a delusion to poor Mr. and Mrs. John Q. Public—and they must be getting pretty fed up. Last week we listened one evening to a radio telephone game at 8:30 p.m.—no entertainment—just a cold-blinded bid for telephone calls from the audience, lured by a prize.

Any listener checking the questions correctly under his own telephone number—lined up under a store name abbreviated to seven letters—was a supposed prize winner. Try and be one! The station must be called within 25 minutes after the broadcast. We won. So did about half the other set owners listening, it seems. After dialing the number given on the dial phone for 30 minutes, my little pinky finger is now one inch shorter. All I got was a busy signal. Perhaps damages could be collected for the finger. Anyway,

the sponsor must be making plenty of winners soon all over. They'll duck his store plenty in the future. A Sore-Fingered Prize (?) (Ha, ha) Winner.

Another 'Sour' Musical Note

New York.

Editor, VARIETY:

Your caption on page 55 of the Nov. 2 issue, 'B'way Tune Shows Sour,' urges me to suggest that just so long as theatrical politics control this phase of show business, we will have musicals cut from a dry and dated pattern. Book by Russell Crouse, Howard Lindsay or George Kaufman, score by Rodgers and Hart or Cole Porter is the standard formula accepted by producers. Undoubtedly they are all talented gentlemen, but is it not reasonable to suppose that the public might like an occasional change in diet?

As the author and lyricist of that recent musical-comedy fiasco, 'Right This Way,' I should like to reveal that the customary antics surrounding a new author and composer along the Main Stem border on lunacy. Having finally placed 'Right This Way' with a new and independent firm, I suffered the delusion that at last my inexpensive and intimate little comedy would be presented. The producer, myself, and the young, unknown composer, Brad Greene, were extremely anxious to have the as yet unsigned personnel that we had something 'refreshingly different' with tuneful melodies and engaging lyrics. Happy over their rapturous comments, we thereupon closed the deals with these flattering job-hunters and emerged triumphant with a director, a casting director, a cast, a musical producer, a dance director and so on, and thereupon the bubble burst!

The existing rumor that we were heavily bankrolled percolated into strange offices, and from that day on my bewildered and inexperienced producer was the target for the Broadway Boys' bombs. We had not rehearsed a day when the big right-about-face began. The cast could not read my lines, the stars could not sing our songs, the book was not so funny, the score was weak and so on and ad nauseum. Finally, the producer succumbed to the general confusion and the persistent advice of the know-it-alls.

During rehearsals and the subsequent weeks on tour, I was swamped by gas-writers, play-doctors, 'advisers,' suggesters and songwriters until 60 of our original cast members had been deleted and approximately three of my own lines remained in the show. Gone was my plot, my dialog, and any semblance of continuity, to be replaced with stale gag, familiar Broadway clichés and reminiscent music. These splendid additions were, of course, interrelated by the Broadway clique that could give lessons to the trusts in the art of monopoly! It is not my intention to infer that the Messrs. Crouse, Lindsay, Kaufman, Rodgers, Hart or Porter had anything to do with the miserable pot-pourri of hash that eventually opened at the 48th St. theatre, but it is my belief that it is only such artists who are immune, by virtue of their eminence, to the sort of political barrage I endured. There is small chance of these talent experts reaching the public as long as this condition exists. I have no idea as to whether or not my faith in our book and score was justified for the very good reason that our play and score were neither seen nor heard by the public nor by the critics.

Due to the chaos created by these circumstances, the estimated cost of \$50,000 was actually increased to the \$200,000 that was eventually spent. My original script was demolished; our score, although unpublished, was tied up; in brief, we had a flop, the same old flop that has been failing for years. It is, of course, possible that 'Right This Way' could have failed as originally conceived, but it would have been a considerably cheaper failure, and it would have been my own. But it might have succeeded, if let alone, and I would now be an established author instead of being identified with a fiasco. I never wrote, I should have been wise enough to refuse billing but, alas, that is only one mistake among many, that I made.

In conclusion, let me say that no less an authority than Lee Shubert advised me he was going to consider another musical by me and Mr. Greene, but it was too difficult owing to the refusal of performers, directors and musical publishers to be identified with other than celebrated authors and established composers. What's the answer? How pen, can one become established? By writing for the stage, perhaps, or maybe one should just skip the whole thing.

Marianne Brown Waters.

Probable Football Winners And Proper Odds

(November 12)

By NAT KAHN

GAMES	WINNERS	ODDS
Alabama-Georgia Tech	Alabama	9/5
Arkansas-SMU	Arkansas	7/5
Louisiana State-Auburn	Louisiana State	8/5
Brown-Holy Cross	Holy Cross	2/1
Calgate-NYU	Calgate	7/5
Navy-Columbia	Columbia	Even
Dartmouth-Cornell	Cornell	5/8
Duke-Syracuse	Duke	7/5
North Carolina-Fordham	Fordham	3/1
Kansas-George Washington	George Washington	6/5
Georgia-Tulane	Tulane	15/5
Ohio State-Illinois	Ohio State	Even
Iowa-Indiana	Indiana	5/6
Iowa State-Kansas State	Iowa State	2/5
Lafayette-Butgers	Lafayette	8/5
Michigan State-Marquette	Michigan State	2/1
Northwestern-Michigan	Northwestern	6/5
Minnesota-Notre Dame	Minnesota	Even
Pittsburgh-Nebraska	Nebraska	2/1
Standard-Oregon State	Oregon State	Even
Penn State-Penn	Penn	8/5
Tale-Princeton	Tale	8/5
Rice-Texas A&M	Texas A&M	Even
USC-Washington	USC	2/1
Wisconsin-UCLA	UCLA	7/5
Washington State-Idaho	Idaho	Even
St. Mary's-Santa Clara	St. Mary's	1/3

(Predictions Based on Fair Weather)

Cops Sentenced for OK On Carnival Gambling

Buffalo, Nov. 8.

Five police officers, including a former assistant chief of detectives, have been convicted by a supreme court jury here of accepting bribes and conspiring to permit illegal gambling at the Veterans of Foreign Wars convention during the summer of 1937. Damaging testimony against the officers was given by James Sullivan and John Moran, carnival attaches who turned State's evidence, and by Joseph Redding, manager of the Rubin & Cherry Shows, who testified he had paid protection money to the assistant chief of detectives.

Sentences ranging from one to five years were given the defendants who announced that appeals would be taken.

What's 'Games of Skill'?

Philadelphia, Nov. 8.

Amusement Machine Operators Association of Pennsylvania will start a campaign tomorrow (Wednesday) to get 500 signatures on petitions asking legislation legalizing prizes for 'games of skill' according to W. H. Wexelblatt, secretary.

It was originally intended to begin the campaign several weeks ago, but the starting date was postponed until after election to avoid getting it involved in partisan politics. Campaign will also get under way at the next session of the legislature to cut the present tax of \$21 on each machine.

Gal Softballers Set

Philadelphia, Nov. 8.

Femme soft ball team, to play skedded league contests with teams from other cities in the country, is being organized here by Dave Lodge, theatre and billboard man.

Group will meet its first opponents on Dec. 25 in Convention Hall.

Loses FTP Job

(Continued from page 1)

have rejected roles in same plays are still with the FTP and that she has been put on a spot. She has been requested by the N. Y. Journal-American to write a story concerning the matter and has also been approached by Liberty magazine. However, neither will take copy until after Congress convenes in January which is when the committee will make its report for Senatorial action and possible legislation.

Miss Saunders was called to Washington in July to testify about activities of the Workers' Alliance (group within the FTP), and about forced color mixing, allegedly fostered by Reds. Story broke first in *Variety* last May when she and a couple of others objected to mixing. When an open vote before the entire company of 'Sing' was taken, she alone balloted 'nay.'

KINGLING SHOW SELLS EXCESS RING STOCK

Atlanta, Nov. 8.

Hoss trading yen of John Ringling North, prez of Ringling Bros.-Barnum & Bailey Circus, and brother, Henry, forced big show's subsidiary, Al G. Barnes-Sells Floto, to engage in horsefish sale while filling date here Monday and Tuesday (8).

Both Norths and William Heyer, Hollanders' horse training expert employed by them, have been exploring Kentucky, Tennessee and other Southern state hinterlands, buying animals with reckless abandon and concentrating them here until big top showed up. Result was an over-supply of equines. Stock sale, which took place on circus grounds, as advertised in daily papers and results were gratifying.

Closes \$200,000 Contract

San Francisco, Nov. 8.

Contract has signed here last week with Harry C. Baker, proxy of the National Association of Amusement Parks, Pools and Beaches, for a \$200,000 outlay for concessions on the Gayway, moniker for the fun zone on Treasure Island. Deal is the largest, financially, to be signed thus far in the amusement sector.

Baker will erect four concessions on Treasure Island. These include a coaster ride and scenic railway costing \$80,000; a speed ride costing \$50,000; a midget auto set-up costing \$40,000 and a Laffland palace, which will set him back \$30,000. Baker also may arrange other rides.

Goobers Go Wrong

Charlotte, N. C., Nov. 8.

Edenton got its publicity setback last night, and, of all things, at the hands of a circus, too.

The town chieftains in the midst of a peanut stunt, loaded up a truck with 100 bags, 4,500 pounds, \$500 worth of raw freshly dug up 1938 crop peanuts, and made the truck ready for departure to Raleigh, where the goobers were to be fed to 34 circus elephants with the Al Barnes-Sells Floto-Ringling show. But along toward midnight someone thought it wise to inquire first and the trailer was routed out at Winston-Salem.

My elephants are worth more than your whole town, he said, and to feed them raw peanuts in the quantity you propose would mean exactly 34 dead elephants. However, if you roast your peanuts first, get them to us at Greensboro Wednesday, we'll gobble them up.

But Edenton roasts no peanuts, so that ended it, to the chagrin of Mayor Jack McMillan.

Ideal in Storage

Charlotte, N. C., Nov. 8.

Ideal Exposition Shows moved into Charlotte for the winter. The shows will be quartered at the old Holly Manufacturing building. Company will spend about \$15,000 in overhauling.

Here's Janet Gaynor's Beauty Advice:

"Cosmetic Skin spoils good looks! Use rouge and powder all you wish, but be sure to remove them *thoroughly* with the soap with **ACTIVE lather**"



SEE
Janet Gaynor

IN THE SELZNICK-INTERNATIONAL
PRODUCTION

"The Young in Heart"

NOW SHOWING
LOCALLY

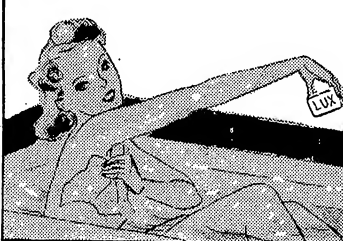


**CLEVER
GIRLS
TAKE THE
SCREEN
STARS'
TIP...**



Cosmetic Skin spoils good looks—they use Lux Toilet Soap.

Daintiness is important.
A Lux Toilet Soap Beauty Bath
leaves skin sweet.



I ALWAYS USE LUX TOILET SOAP," says enchanting Janet Gaynor. "Foolish to take chances with the dullness, tiny blemishes, enlarged pores that may mean Cosmetic Skin."

Unattractive Cosmetic Skin may come when pores are choked with dust, dirt, stale cosmetics. "It's the simplest thing in the world to remove cosmetics *thoroughly* with Lux Toilet Soap," Janet Gaynor says.

Use this gentle care the screen stars use before you renew make-up—**ALWAYS** at bedtime. Remember Janet Gaynor's beauty advice: "You can't be attractive unless your skin is smooth and clear!"

9 out of 10 Hollywood Screen Stars use Lux Toilet Soap

VARIETY

PRICE
25¢

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56 PAGES

PATRIOTIC PLAYS AND PIX

'Irish Justice' Skit, with Plagiarism Twist and Argentine Angles, Killed

Buenos Aires, Nov. 15. Only a cable yesterday from 20th Century-Fox Film's general copyright attorney in New York, Edwin P. Kilroe, halted what would certainly be a world precedent in deciding a copyright case. It was to have been held in a cinema theatre, with the auditors paying admission for the combination show and trial, with the audience to act as the jury, and decide, by acclaim, whether Mack Gordon and Harry Revel's song, 'Good Night My Love,' infringed on an Argentine composer's tune.

Two maestros, locally renowned, would point out the alleged similarity in both songs, or otherwise, with the audience then to vote yes or nay if the Argentine songsmith is entitled to damages.

Hurray for We. Considering a certain natural allowance for nationalistic feeling, it's not at all surprising that the 20th-Fox attorney in New York vetoed this novel means of deciding a copyright case.

Fourth and fifth reels of 'Stow-away,' a Shirley Temple picture, wherein the allegedly infringing song, 'Good Night My Love,' is introduced, were to be projected. Justice would preside on the stage. Juan Calabria, local tunesmith, who is suing 20th-Fox and Gordon-Revel, would have Senor Palma, w.k. local composer-maestro, expounding his cause.

Buenos Aires attorney for the American film company had arranged with Juan Jose Castro, maestro of the Opera House of Buenos Aires, to represent 20th-Fox, and point out that the songs were dissimilar—or at least attempt to do so—and at the (Continued on page 54)

MOTORCADE PREVIEW BALLY FOR N. Y. FAIR

Atlanta, Nov. 15. The country at large will get a preview peep in miniature of the New York World's Fair, via a preview on wheels and motorcade, officially approved by Fair officials. It will tour Dixie and other sectors. Exhibit, now under construction, will consist of large-scale diorama of fair, animated with light, color and movement. It will show famous Trylon and Perisphere; buildings, state, national and international; and visiting crowds.

Standees' Reward

For the first time since the opening, Maurice Evans' full-length 'Hamlet' drew more than capacity last Friday night (11) at the St. James, N. Y. When the star was informed in his dressing room that there were standees for the performance, he sent an invitation out front for the four to be his guests for the intermission dinner at Sardi's. He spent the intermission in his dressing room as usual, however.

Probably His Ruin

Buddy Rich, known in the band world and among jitterbugs as an out-of-this-world skin-beater, once with Joe Marsala and now with Bunny Berigan, is taking music lessons. Guy can't read a note of music.

NEW B.O. HOPES FROM GAINS BY G.O.P.

The result of the elections, which created strong gains for the Republican party throughout the nation, immediately pepping up Wall street and, it is hoped, also will bring about industry impetus, is viewed by film showmen as very favorable to the box office of the future, as well as with respect to diplomatic relations. Latter, at present, are very strained as result of New Deal offensives, such as the U. S. anti-trust action.

New England was one of the territories where election fever reacted against the b.o. notably. This, plus the setback of the recent hurricane, had interfered with normal business but reported by operators that theatres have held their own convincingly in spite of all.

A leading film buyer-operator takes the view that there is a two-edged reason for a boom in business generally. His theory is that with so many gains made by Republicans, they will do their utmost to encourage business activity, while on the other hand it will be natural for the New Deal to do the same in protection of chances for '40, regardless of who takes or gets credit for any biz boom.

NVA Moving Back To Its Old 46th St. Club

Along with rest of vaudeville's 'revival' attempts, the National Variety Artists club will move back to its old quarters in the NVA building (now Sharon hotel) on West 46th street next summer. Deal was negotiated this week for return next August when lease on present site nearby expires.

NVA will occupy the basement, first floor and balcony of the old clubhouse. Rest of hotel will remain as is on a commercial basis, with members getting slight concessions for hotel privileges. Will get the run of the house for monthly shows, meetings and executive offices. Basement space larger than present quarters.

VET DRAMATISTS WRITE SKETCHES

Primed to Instill Democratic Ideals in American School Children—Films Will Have Similar Objective—Former School Playlets Were Lacking in Quality and Appeal

NO POLITICAL BIAS

Series of playlets by established professional dramatists, based on incidents in American history and for performance in schools to instill democratic ideals in U. S. children, is planned by the Dramatists Play Service, Inc., offshoot of the Dramatists Guild. Idea is to offer royalty-free works to replace the dramatic potboilers normally offered in grade school theatricals.

A similar idea, treating with patriotic films, got under way on Monday (14) with formation of Films for Democracy.

Four of the playlets are already completed and will be ready for distribution in about a month. They include Dan Totheroh's 'Seeing the Elephant' (dealing with the 49ers), Stanley Young's 'Ship Forever Sailing' (about the Mayflower), E. P. Conkle's 'Biljiah Lovejoy' (about the abolitionist) and Lynn Riggs' 'Side-Tracked' (dealing with early frontier history). Among the other playlets. (Continued on page 53)

SHOW BIZ RESOLUTION SCORES REICH TERROR

Resolution condemning the Nazi terrorist campaign against Jews and Catholics, and urging a boycott of all trade with Germany, was sent Monday night (14) to President by leading theatrical organizations and names. Second and similar messages containing many more signers was to be sent last night (Tuesday).

Among the groups and individuals endorsing the resolution were the Theatre Guild, the Group Theatre, the Mercury Theatre, Daniel Frohman, Herman Shumlin, George Abbott, Max Gordon, Bela Blau, John Golden, Helen Hayes, Fred Stone, Oscar Hammerstein, 2d, Katherine Locke, Orson Welles, Martin Gabel, Maurice Schwartz, June Walker, Billy Rose, Marcus Heiman, Crosby Gaige, Charles Weldman, Doris Humphrey, Franchot Tone, Frances Farmer, Luther Adler, Norman Bel Geddes and the TMAAT.

Theatre Arts Committee will hold an anti-Nazi protest rally Friday night (18) at the Futon, N. Y., and a simultaneous one will be held on the Coast by the Hollywood Anti-Nazi League. Actors Equity Council yesterday (Tuesday) sent a resolution protesting against Nazi religious persecution to President Roosevelt.

Allowance for Actors' Lean Years Urged in Bill Framed by Cal. Senator

Laying Off in Style

Provincetown Playhouse in Greenwich Village, New York, is being used as a giant rest-room called 'The Pool' for unassigned Federal Theatre actors. Old site is not used for shows of FTP, but has been turned into a combination parlor, school and time-clock, where all most report daily.

Four-story building has a different activity on each floor to keep thespians occupied. Theatre proper is used for meetings and as a general foot-catcher. Upper floors feature instruction in fencing, body movement, diction, voice, radio technique, etc.

CAFE SOCIETY BORED, AND BY ITSELF!

Manner in which some of the class east side niteries have been doing of late—or, rather, not doing—is inspiring the thought that perhaps the cafe society bunch is getting tired of looking at each other for a change, and now would rather look at a floor show.

Spots with elaborate revues are getting a play, whereas it used to be axiomatic that the smart crowd prefers to make its own fun. Two major exceptions continue bullish, however, the Stork and Morocco bunch finding their own merriment while hoofing around, and of course ditto at 21, which is sans music, however.

More USN Enlistment Spurts Naval Film Biz

Due to the increased amount of enlistment in the U. S. Navy; the Government, instead of buying two prints of a picture ordinarily booked for screening on the Navy boats, is now buying three.

Interesting point about this increase in business is that Uncle Sam is trading just as sharply as exhibitors, and asks distributors for a rental reduction on the increased buy.

Rudy's Thespian Ambish

Hollywood, Nov. 15. Rudy Vallee has instructed his agent to get him a picture job but as an actor and not as a bandsman-crooner. To show producers he can really act the maestro has cut his asking price in half.

Hollywood, Nov. 15.

Income tax relief for film, legit and radio performers is promised by a bill to be introduced at the next session of Congress in January by Senator-elect Sheridan Downey.

For years actors have argued that it is unjust to compel high income tax payments on peak salaries. They contend that most players are able to get top-bracket pay for a few years only, and to pay high taxes on top-year salaries is equivalent to paying a levy on capital depreciation.

Pierson Hall, former U. S. district attorney, who managed Downey's campaign, is collaborating on the bill, which he is confident of wording to avoid being ruled out as class legislation.

Under the new scheme, the actor turns in his peak earnings to Uncle Sam, not as taxes but as a capital fund to be repaid in his lean earning years. Instead of paying huge taxes during height of his career, the player will pile up a surplus with the Government. When his drawing power wanes, he can draw the money in the form of annuities, paying taxes on each sum he draws out.

Downey holds that a performer is entitled to an allowance for depreciation of his peak talents, just as a mine is allowed a capital deduction for the ore removed.

Taken Up East Also. Move to bring about revision of the present income tax law to permit actors to rate their incomes for taxes on their average earnings (Continued on page 12)

PICKETS TRUCKIN' ON DOWN IN NEW ORLEANS

New Orleans, Nov. 15. A swing band has been engaged to provide entertainment for men who walked out at the New Orleans Furniture Manufacturing plant in a dispute over hours and wages Friday (11). Union pickets and their ladies dance in front of plant as new form of picketing.

Charles Burgdorf, AFL organizer on the scene, said the strikers are rehearsing a minstrel show which they plan to present to keep up interest among the ranks during the strike. Entertainment is changed daily.

Film on Col. Snyder

Hollywood, Nov. 15. Ed Sullivan is turning out a yarn for 20th-Fox based on career of Col. Moe (The Gimp) Snyder, Ruth Etting's ex-husband, who was held by Los Angeles authorities on charge of shooting Myrl Alderman, NBC pianist, and the songstress' reported fiancé. Snyder is presently out on bail.

Slugged 'The Colonel from Chicago,' film is intended for Edward G. Robinson in the title role.

Film Cos. and U. S. Must File More Briefs Today (Wed.) in Anti-Trust Suit; Pix Demands Particulars

The Government and the eight major picture corporations and their affiliates, besides two banks are due to file additional briefs today (Wednesday) with N. Y. Federal Judge William Bondy in connection with the request for bills of particulars sought by the corporations in the anti-trust suits filed against them. Last Thursday (10) Judge Bondy indicated he was inclined to grant the requests. Should this occur it would mean that the action would be delayed for almost a year from the filing of the complaints. If the specified violations are named the defendants will make formal motions for dismissal of the charges on insufficient grounds.

The defendants named in the actions and who were represented at Thursday's hearings by a large staff of attorneys were: United Artists, Columbia Pictures, and affiliates; Paramount Productions, Inc., and subsidiaries; 20th Century-Fox, Inc.; National Theatres Corp., Loew's, Inc.; Keith-Albee-Orpheum, Universal, Irving Trust Co. and Chase National Bank.

Col. William J. Donovan, speaking on behalf of the defendants, told the court that the bill should be granted in order that the defendants be prepared to put in a proper defense of each alleged violation of the law. Assistant U. S. Attorney Williams opposed the motion on the grounds that it would result in long and unnecessary delay.

"What's the rush," Judge Bondy ironically remarked. "The Government has been preparing this case for the past five years and additional time will not do much harm."

Louis Frohlich, for Columbia, contended there was nothing in the complaint to hold Col. to trial and that should the bill be granted he would ask for immediate dismissal of the action so far as Columbia was concerned. "The motion picture industry is on trial for its life and this is no time for quibbling," he said.

Williams insisted that the defendants' request for particulars was an effort to limit the Government's issues before trial.

Judge Bondy then indicated he might grant the motions by saying: "In my opinion it is necessary to particularize the issues and I believe the Supreme Court upholds me on this point. If the government has the facts and assumes it has or you would not bring these actions, then present them so that the defendants will have an opportunity to defend them."

Attorneys' Arguments
Williams insisted that most of the facts gathered by the government were taken from the defendants' books and that they know more about the particulars because of this than the government.

Donovan pointed out that during the past five years there have been very many actions, large and small in which the defendants have been involved and if the companies are required to prepare for trial they will never be prepared unless informed of specific charges.

Williams insisted that to grant a bill at present would mean that he would be prevented from including other cases which may arise when the case comes to trial. Judge Bondy assured him that if such occasion arose he would allow the government 20 days after the trial started to file additional complaints.

Williams also held that United Artists was particularly not entitled to consideration, as it had failed to co-operate with the government in its investigation.

Judge Bondy finally wound up the hearing by reserving decision and allowing both sides to submit additional briefs on their contentions. Should the bill be granted it would mean from four to six weeks for the government to prepare them and at least an additional two months for the defendants to file answers.

HONORING HERMAN

John Herman, a cameraman on the last Byrd expedition, will be given a Congressional medal this week at Columbus, O. Herman presently represents Paramount newsreel at Cleveland.

Glamour Driving Millions From B.O., Sez Birdwell

San Diego, Nov. 15. Too much emphasis on glamour and too little on plain human qualities—that's what's the matter with Hollywood, take it from Russell Birdwell, in a speech to the San Diego Advertising Club.

Pictures are losing millions annually at the box office, David O. Selznick's chief adviser declared, because the public is tired of looking at glamorized faces and hearing about yachts, race horses and steam-heated swimming pools.

Cartoonist Killed In Coast Crash; Tornado Fatal to L. E. Royster

Hollywood, Nov. 15. Collision between two autos last Friday night (11) brought death to F. E. Spencer, chief animator for Walt Disney, and injuries to Louis Ostrow, associate producer at Metro, and James Gaither, MG sound technician.

Spencer, 34, was credited with creating the character of "Dopey" in "Snow White and the Seven Dwarfs." He leaves his widow. The others will recover.

L. E. Royster Killed
L. E. Royster, with Columbia Pictures in Kansas City, and a brother of Harry L. Royster, Paramount home office theatre executive, was killed late Friday afternoon (11) when a tornado near Dodge City, Kan., blew his car off the road.

He was 43 and had been with Columbia's K. C. exchange as film salesman for five years, previously having been in sales for Fox in that territory. Royster was calling on exhibitor accounts when caught in the cyclone. Harry Royster, accompanied by Mrs. Royster, left for K. C. Saturday (12), services held there Sunday, burial in Bolivar, Tenn., the following day.

Fatal Missouri Accident

St. Louis, Nov. 15. Joe D. Orenbaum, 35, manager of the Roxy, Crystal City, Mo., near here, was fatally injured in an automobile accident near Durant, Okla., Wednesday (9).

Orenbaum failed to negotiate a curve on U. S. Highway No. 70 and his car ran off the road and down a gully, overturning twice. His neck was broken.

SAILINGS

Nov. 19 (New York to London), Arthur Levey (Queen Mary).
Nov. 19 (London to New York), Greta Keller Europa).

Nov. 18 (London to South Africa), Lassiter Bros., Lucan and McShane, Elsie Prince (Stirling Castle).
Nov. 12 (New York to London), William J. Gell, David W. Huxford, Jr., Gilbert Miller, Albert Prejean, Andre Daven, S. W. Smith, George Alfred and George Blac, Jr. (Normandie).

Nov. 12 (London to New York), Eugene Goossens, Glen Bryan Shaw, George Sanders (Queen Mary).
Nov. 11 (Los Angeles to Honolulu), Adolph Ramish, Louis Rosen (Lurline).

F. J. HARRIS' POLITICO ORBIT ON RISE AGAIN

Pittsburgh, Nov. 15. Sweeping GOP victory at polls in Pennsylvania last week makes ex-State Senator Frank J. Harris, head of theatre chain bearing his name, a kingpin again in Penn. politics. Harris since losing senatorial post in last Democratic landslide has been Republican chairman in Allegheny county and credited by many with cutting down recent Democratic majority in and around Pittsburgh. In primaries, he ran for lieutenant-governor with Gifford Pinchot, who lost to Governor-elect Arthur James, but after his defeat quickly swung into line again and did yeoman work for James.

Understood Harris is a cinch for the state Senate again at next election if he wants it, but there will probably be bigger things in store for him now that GOP's in the saddle once more. Although head of amusement company, Harris is not its active prexy, his nephew, John H. Harris, looking after that end.

J. Harold Murray Loses

Hartford, Nov. 15. J. Harold Murray, former musical comedy star and film player, was defeated in his race for State Senator from the 34th district at the elections held Tuesday (8). Running on the Democratic ticket, Murray polled 4,291 votes as compared to 6,703 for the Republican incumbent Arrington. Murray is president of the New England Brewery Co. here.

2 Lose in Upstate N.Y.

Troy, N. Y., Nov. 15. Harry M. Brooks, president of the Troy Motion Picture Operators' Union for the past 25 years, legislative representative of the state organization and its former head, was overwhelmingly defeated by Representative E. Harold Cluett, Republican, of Troy, in the 29th Congressional District. Running on the Democratic-American Labor Party tickets in a district always heavily Republican, Brooks lost by 34,748 votes.

Julius Rothstein, general manager of the building which is the site of the Avon. Warner Bros.-leased picture theatre in Utica, bowed to State Comptroller Morris S. Tremaine, Democrat, by 435,000 ballots. It was Rothstein's first public venture into politics. Brooks on the other hand, served as a Republican assemblyman in 1926.

N. Y. to L. A.

Monty Banks.
Ralph Bettison.
Earl Carroll.
Red Cavanaugh.
Berton Churchi.
Lud Gluskin.
Mack Gordon.
Marcel Hellman.
Mr. and Mrs. Al Jolson.
Talbot Jennings.
Sam Kurtzman.
Dorothy Lamour.
Joe Laurie.
Ann and Ben Litt.
Mr. and Mrs. Frank Lloyd.
Bob Marco.
Montague Marks.
Eddie Meade.
Gail Patrick.
Harry Revel.
Casey Robinson.
Tully Ruffner.
Lou Smith.
James Stroock.
Mabel Todd.
Arthur Ungar.
Hal B. Wallis.
Joseph K. Watson.

Schaefer's Coast Hop

George J. Schaefer, president of main RKO subsidiaries, but not of parent company pending final approval of reorganization plan, may go to the coast to visit the RKO studio after Thanksgiving, which he will spend here.

Films' 5 Major Menaces

Industry expects the year 1938 to go down in the files as being one overflowing with menaces to its welfare, but little actual damage inflicted. Although the actual lifeblood of the business has been placed in jeopardy by some of the threats, actually nothing has happened to date.

The resume of menaces include five basic ones:

- (1) Neely anti-trust bookkeeping measure. Passed in U. S. Senate but never brought to vote in the House.
- (2) Theatre divorce legislation and threat of regulation by Federal Government to that end. North Dakota law now up to Supreme Court on appeal, with divorce named as one of needs in Federal anti-trust suit.
- (3) Anti-trust civil suit against major companies and countless subsidiaries and affiliates. Probably take at least four years to decide.
- (4) Labor situation on the Coast. Numerous threats of strikes but none actually occurring; no interruption to production.
- (5) Ohio paydate law. Passed but tossed into ashcan when courts ruled on it.

Other less vital subjects to come up include the filing of an appeal to the Supreme Court on the Hobbeltz case (Texas) and the two actions in Chicago.

Montague Marks and Fairbanks, Sr., In Anglo-H'wood Production Unit

R. G. Fear Places Loss In MG Suit at \$2,000,000

Los Angeles, Nov. 15. Ralph Gordon Fear, owner of a film processing machine, filed suit against Metro-Goldwyn-Mayer to determine the amount of damages due from the studio for breach of contract over the use of his apparatus. He claims his losses exceed \$2,000,000 and demands an accounting.

Federal Judge George Cosgrove rendered judgment in favor of Fear last April 19, holding that Metro had processed films from other studios, breaking the contract to use the machine only for its own work.

Cavalcade of Films For New York's 1939 World Fair All Set

Hays office staff has completed looking at the industry's historical pictures, about 200, in picking material for the "Cavalcade of America" feature being prepared by the film business for the New York World's Fair. This is the industry's gift to the exposition. It will be shown in the auditorium of the Federal Bldg. at the fair.

All selected material, chosen in New York, will be shipped to the Coast, where a committee of directors and Cecil B. DeMille will make final selection of what shall go into the compilation. This group also will decide what additional scenes must be shot, how a moving super-imposed cavalcade sequence will be incorporated into the picture and frame the narration.

Estimated that the production would cost in excess of \$1,000,000 if made as a new production by any one company. By making use of available historical footage from major companies and producers outside the Hays group, the actual cost will be kept down to a fraction of this figure.

Because it will be impossible to employ screen credits giving every producer represented in the feature full acknowledgment, a special booklet or souvenir program may be turned out for distribution at the fair's exhibition hall.

Now that the picture is nearing completion, the industry is wondering who is going to distribute the production after it completes the engagement at the New York exposition. It is expected that those attending the fair and seeing this industry historical special will enthrall so much it may whet the appetites of thousands of others. With extensive word-of-mouth thus developed, the industry doubtlessly will not shove the picture back into the vaults after the fair is over. Completed feature probably will include shots from product of 50 or more companies.

Lavenstein Back East

Hollywood, Nov. 15. E. H. Lavenstein, Republic purchasing agent, is returning to New York. Bunny Brown moves in.

Arrival of Montague Marks, British financier, from London last week, revealed the formation of two new producing organizations by Marks and Douglas Fairbanks, Sr., called Albion Films, Ltd., and Douglas Fairbanks Productions, Ltd. They will make a minimum of three pictures in Hollywood and London on an estimated total budget of \$2,500,000; release via United Artists. First picture will be produced at either Denham or Pinewood studio, the other two in Hollywood. Seven stories or plays have so far been purchased by the Marks-Fairbanks group. Which will be the first has not been decided. Announced some weeks ago by Fairbanks was a film on "Lola Montez."

Dennis F. O'Brien, attorney for Fairbanks in New York, believes the deal has not been legally signed to date, having originated in London by Fairbanks with preliminary negotiations handled by his London barrister, Philip Guedalla. Effect of the application of U. S. laws on the contracts being worked out is being studied and it may take some time for all points, involving as they do American, British and Continental financing, to be satisfactorily concluded.

Marks is on the Coast conferring with Fairbanks, both leaving there for New York today or tomorrow (Thursday), planning to sail for London Nov. 20 to put the first picture in production there around Jan. 1.

L. A. to N. Y.

Russell Bennett.
Sam Berkowitz.
Frederick H. Brennan.
Elaine Sterne Carrington.
Eddie Davis.
Arthur Dreifuss.
Douglas Fairbanks.
Leo Fischer.
Lucien Henri.
Louis Hyman.
Charles Kaufman.
Madge Kelly.
Nancy Kelly.
William C. Kent.
Andre Kestelitz.
Marc Lachmann.
E. H. Lavenstein.
Irene Lee.
Erich Leinsdorf.
Ilona Massey.
Dudley Nichols.
Frank Orsatti.
Gabriel Pascal.
Vincent Price.
Max Reinhardt.
Randolph Scott.
Salka Viertel.
Franklyn Warner.
Louis Weitzenkorn.
Herman Wobber.
Yolanda.

ARRIVALS

Leslie Howard, Noel Coward, Phil Reisman, Paulette Goddard, Orlando Brammer, Walter Gould, Mr. and Mrs. Frank Lloyd, Eva Turner, Hans Hermann Nissen, Matthew Hohner, Stephen Mitchell, Clement Butson, W. J. O'Brien, Theatre des Quatre Saisons, Andre Barsacq, Jack Robbins, Jimmy McHugh, Ann and Ben Litt, Gracie Fields.

Other News of Interest to Films

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John Boles opens Pitt stage policy.....	Page 43

CHI FORCES UNITED FRONT

PIX AGAIN TAKE THE RAP

One more straw of critical complaint was dropped this week on the back of the lowly motion picture when Hamlin Garland, distinguished 78-year-old member of the American Academy of Arts and Letters, told his brother and sister members that films are among the chief agencies of cheapening American fiction and dramatic writing. His remarks, which were part of a denunciation of the salaciousness of contemporary literature, are reported in the dailies to have aroused 'the applause of a large invited audience.'

With some encouragement from his listeners, the speaker continued by saying, 'They (films) have not only pandered to the taste of the public, they have profoundly influenced the novelist who kept in mind as he wrote the possible sale of his motion picture rights. That this possible source of profit has quickened the pace and vulgarized our fiction must be granted.'

If Garland had the last say, on the popular theme that almost everything that is wrong in modern life may be attributed directly to motion pictures, there might not be any need of comment, except to say, 'Well, that's that.' However, Garland just happens to be one of a long list of intellectuals who over the years get a kick out of kicking the films in their least vulnerable spot. Next week some one else will make the headlines.

Perhaps it is just as well that no one stands up at one of these gatherings of intelligentsia and tosses into the record a defense of motion pictures. He might regret his display of honest conviction by running the risk of having his name stricken from the mailing list of invited audiences. There are times when it is better to applaud and then keep quiet,—at least until after the buffet lunch and free cocktails.

There was a time when motion pictures dipped deeply into the supply of contemporary fiction and dramatic literature for story material but anyone with the slightest urge for truth will discover that films for some years have depended chiefly on original screenplays. The divorce from published novels and plays by no means is complete,—and probably never will be. Numerically, however, novels and plays comprise a small percentage of source of screen fiction.

The idea that a novelist is something less than true to his calling because he might weigh the chances of a sale of his film rights, as a supplementary source of income is about as fallacious an argument against the current motion picture as has been raised in a long time. The inference, of course, is that motion picture lure is less righteous than publishers' advances and royalties. Also that if the evil idea of films disturbs his creative sense he may be tempted to 'write down' to picture audiences and pull his literary punches.

To blame films for sloppy novel and play writing on the theory that an author hasn't kept his mind on his work is a new high in silly criticism. He may be thinking only about the late delivery of his new automobile.

Myron Selznick's Prod. Plans Falter; Lubitsch May Return to Par

Hollywood, Nov. 15. Collapse of Myron Selznick's indie production plans is indicated by current negotiations between William LeBaron and Ernest Lubitsch which, if carried through, will bring the latter back to the Paramount lot as a producer-director.

Selznick had planned a string of independent producing companies with big-name directors, writers and players on a profit-sharing basis. The Selznick-Lubitsch was the only one to take form, and now that is threatened with dissolution.

'The Shop Around the Corner,' slated as the first production by Lubitsch under the Selznick plan, will be taken over by Paramount if the current deal goes through. Lubitsch has money invested in the Hungarian play.

Two weeks to be on hand when Jack Warner, studio head, returns from London and discussions on the company's '39-40 lineup will be continued.

WRIGHT'S MISSION

George S. Wright, Dallas attorney, retained by defendant companies in the Texas-Hoblitze case, is in New York laying groundwork for appeal of this action to the U. S. Supreme Court.

He probably will be here until all appeal papers have been perfected.

Wallis Back West; Prelim Talks on WB Program for '39-40

Warner Bros. promises complete delivery of its program of 62 features this season (1938-39), so far brought in at a budget that will run somewhere between \$20,000,000 and \$25,000,000 for this number. WB through the years has either fulfilled contracts completely or closer than most other major distributors.

The program for the following season (1939-40), probably to also number 52 features, as against 60 in prior years, is being discussed only in preliminary manner prior to Jack L. Warner's return from Europe around Dec. 1.

Hal Wallis, in New York last week to take part in advance planning maneuvers for 1939-40, returned to the Coast Saturday (12), accompanied by Casey Robinson, writer, who came on with him.

Wallis will return to New York in

D.C. Sees Chi Suit As Government's Idea of Turning on the Legal Heat

Washington, Nov. 15. Government action to enforce the 1932 Chicago consent decree against virtually all major producers, via a contempt action, was seen here as further proof of the Justice Department's impatience over failure of principal film companies to speed up either settlement or trial of the New York petition for a permanent injunction. Two proceedings are said in official circles to have more than a coincidental relation.

Unusual significance was attached to the filing of a legal 'information' in Illinois Federal Court last week because the Government never before has charged any members of the picture business with contempt. Nor has any move been made to compel the majors—all principal companies except Columbia are involved—to comply with the promises made in settling the case six years ago.

While the Chicago citation has no connection with the more recent consent decree which wound up the

B&K SUIT MEANS NO 'CONSENTS'

At One Time, Several Companies Mullied the Idea of Bolting Ranks—Chicago Action Again Solidifies Legal Stance to U. S. and Other Litigations

ARNOLD'S THEORY

Possibility of two or three film companies breaking away from the united front in the Government's civil anti-trust suit was abruptly and suddenly swept aside last week with the filing of the Chicago suit (involving Balaban & Katz) against all the majors excepting Columbia Pictures. Some in the trade saw a chance that a couple of picture companies might have followed the example of auto finance companies and entered consent decrees rather than going to the expense of prolonged litigation.

However, the new suit lodged in Chicago courts, and based on a previous consent decree apparently has wiped out even vaguest probability of a film corporation entering into a consent decree at the present time. In other words, the new Chicago action, carrying criminal penalties and alleging violation of the previous consent decree, has solidified the industry's front in the sweeping anti-trust suit.

Legality in New York this week pointed to the broad terms of the old consent decree in Chicago as indicating that even B&K attorneys were not aware of any violations of the decree. New case takes into account the charge that B&K has a monopoly on first-run films and is apart and separate from the Essaness case which was predicated on allegedly too much clearance and unreasonable clearance.

Reaction in the trade to Truman Arnold's vigorous anti-trust campaign apparently has not been as unfavorable as in other trades. Belief now is that Arnold has two things in mind in his prosecution of the alleged anti-trust violations. To prove:

Alternate Ideas

(1) Either that the present anti-trust laws should be made effective in controlling big corporations and breaking up monopolies or (2) that the laws are ineffective, even if enforced to the hilt, and, as such, (Continued on page 12)

7 Film Cos., B&K, Barney Balaban Named in Suit; Monopoly Charges

Hays' Quick Trip West

Will Hays probably will go to the Coast the latter part of this month on his periodical fall visit. Present intention is to leave shortly after Thanksgiving day, to be gone for only 10 days to two weeks.

Hays will return early in December for the final quarterly meeting of the Motion Picture Producers & Distributors' directorate.

U. S. SLEUTHING N. Y. REALTY SETUPS

Apparently firmly convinced that major film companies contemplate fighting the government's civil anti-trust action to the bitter end, operatives from the Department of Justice and the Federal Bureau of Investigation are in New York making a re-check into picture company activities, particularly as regards theatre setups and sales policies.

That the Federal officials are interested in the theatre alignments is indicated in the move to install Louis Cohen, veteran with realty departments at one time or another of Fox-West Coast, RKO, Universal and Paramount, in the Government service for the case. Cohen, who is on the Coast, was contacted by phone and asked if he would come to Washington. Subsequently, the Government sent a man to the West Coast in an effort to enlist his services at so much per day.

In an effort to secure other information from different film companies and trade leaders, Government men are known to have approached Max Cohen, head of N. Y. State Allied, and also Charles C. O'Reilly, formerly head of the Theatre Owners group in New York.

Although the U. S. civil case against major companies and affiliates will be handled by Truman Arnold personally, he will have as his assistants Robert L. Wright and William Canady. They will assist him as they are doing in the Chi criminal action against B&K.

Expectation in the trade is that plenty of data will be dug up for presentation in the case which may be incorporated into the pending civil suit against the majors.

Chicago, Nov. 15. Predicted Government suit here against the film distributors and Balaban & Katz on charges of conspiring to maintain a monopoly in distribution and exhibition of pictures in this territory was filed last week in Federal Court by assistant district attorney Warren Canady and Robert Wright, special assistant to the attorney general.

Defendants are Paramount, Loew's, RKO Radio, 20th Century-Fox, United Artists, Universal and Warner Bros. on the film distribution end; Balaban & Katz on the exhibition end. Barney Balaban is the only individual named as defendant.

Entire suit is based on criminal contempt of the consent decree entered against these defendants in 1932, with the defendants at that time agreeing to the entry of decree against them declaring illegal conspiracy to restrain and monopolize interstate trade and commerce in pictures.


Present charges are that 'for the past three years the defendants... have restricted the course of interstate trade and commerce for motion picture films... for first-run exhibitions in the city of Chicago to motion picture theatres managed or booked by the defendant exhibitors.'

'For the past three years the defendants... have prevented unaffiliated exhibitors... from contracting for or from securing... films suitable for first-run exhibition...'

'For the past three years the defendants... have granted to motion picture theatres owned, operated or controlled by defendant exhibitors... arbitrary or unreasonable protection or clearance over competing theatres owned, operated or controlled by unaffiliated exhibitors.'


'For the past three years the defendants... have prepared, published, adopted, enforced or attempted to enforce a uniform plan, system or schedule of zoning and clearance...'

Basic situation mentioned in the suit in the loop itself with direct statements concerning the State-Lake, Woods and Oriental, the latter (Continued on page 12)



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'ONE BIG UNION' UP AGAIN; COMBINE ALL BRANCHES OF 4 A'S, EARLY ACTION

AFRA Confab May Start It Rolling—Has Been Advanced Off and On—Pros and Cons on Proposals, with SAG Possibly Swaying the Balance

Determined effort to revise the Associated Actors and Artists of America constitution to bring about the 'one big union' idea will probably be made within the next few weeks. First step in that direction is being taken this week at the American Federation of Radio Artists convention in St. Louis. Matter is slated for further intensive action early in December, when Kenneth Thomson, Screen Actors Guild executive secretary and Four A's vice-pres., comes east from Hollywood.

Scheme for 'one big union,' which has been discussed and disputed for the last year or more by heads of the Four A's and its various member groups, calls for merging under a single roof the offices of the different unions in each city. It would also involve a single membership card and a single set of dues for all performers in show business, a central treasury and bookkeeping system and a unified setup of officials. Such a plan was advanced last spring, but was dropped after bitter wrangling, principally between Screen Actors Guild and Equity officials.

Proponents of the 'one big union' idea believe it now has a much better chance of adoption than it had before. Relations between the various member groups are much closer and more cooperative than last spring, when the ranks were split by numerous jurisdictional and factional quarrels. For another thing, sentiment of the memberships at large is believed to have swung in the direction of consolidation, which would probably result in a substantial saving of dues as well as more efficient administration of the unions' affairs. Most important reason, however, is that the member unions, all of which are currently engaged in critical dealings with employer groups, would presumably be in a much stronger position if united in one solid organization.

Of the matters currently engaging the attention of the member unions, there are the American Federation of Radio Artists' efforts (so far unavailable) to win recognition and a satisfactory contract from the advertising agencies and sponsors, as well as the National Labor Relations Board against the St. Louis stations. American Guild of Musical Artists is engaged in a fierce struggle with the Columbia Concerts Corp. and the NBC Artists Service; it is trying to deal with the recent defiance of Yehudi Menuhin in refusing to join the organization and the action of the Southern California Symphony Assn. in breaking its Guild shop contract, and it is about to resume negotiations with the Metropolitan Opera Co., of New York.

Screen Actors Guild, besides being confronted suddenly last week by a rebellion within the extra ranks, is still threatened sporadically with jurisdictional invasion by the International Alliance of Theatrical Stage Employees. American Federation of Actors, still trying to organize the nitery field and correct abuses there, has also failed to solve the circus problem and is still smarting under the public and press attacks it received last spring when the Ringling outfit fought Equity, the only group in a comparatively solid position, is nevertheless having its share of headaches with its theatre ticket code.

Although the American Federation of Actors is not expected to oppose the unification program as violently as it did last spring, the Ralph Whitehead unit is believed to be inclined to favor the idea. But Equity, which was largely instrumental in blocking the 'one big union' plan last spring, is thought to have undergone a wide shift in sentiment. Fact that the so-called 'insurgent' faction, which controlled the association at that time, has since been unsent and more conservative group is now in charge is expected to have a decided effect on the organization's policy. Figure that will be particularly so in regard to its relations with the Screen Actors Guild, which clearly demonstrated its power in Equity affairs in the

association's annual election last May.

Develop By Itself

While certain elements in the Four A's favor the solidified union idea, they believe any such plan should be allowed to take its course. Their attitude is that if sentiment is permitted to crystallize in the normal way, the 'one big union' will ultimately develop on its own momentum, with the backing and support of majority of the membership. Pushing the scheme at present, they fear, may again arouse animosities and lead to more factional strife. If the parent union needs solidification in its battles with various outside forces, they feel, it needs internal peace and cooperation that much more.

However, those favoring the unification plan are believed determined to carry it out at the earliest possible moment. As has been noted repeatedly before, the Screen Actors Guild, the American Federation of Radio Artists and the American Guild of Musical Artists control more than enough votes in the Four A's board to put through virtually any program they choose. Uncertain element in the matter is what stand Equity and the American Federation of Actors would take. However, it may be observed in passing that when Equity and the Screen Actors Guild quarreled last spring, SAG officials hinted that if driven to it, they might break off their contract with Equity, under which they pay the association upwards of \$25,000 a year in dues for legit actors in pictures. Such a step would be a disastrous blow to Equity.

Initial trial balloon in the unification program, being floated at this week's AFRA convention in St. Louis, is a resolution by the Federation board, to be voted on by the membership, proposing to SAG, Equity and AGMA, that their administrations be merged, with each union retaining autonomy. Matter is then presumably slated for consideration by the boards and later by the memberships of the groups involved. Even if it is adopted by all the memberships, however, it appears unlikely that the complete plan for 'one big union' could be carried out at this time without a major struggle in the Four A's ranks.

Whether such a struggle, with its attendant bitterness, would be risked at present is a question. Probable solution would appear to be a compromise, with the constitutional revision and unification partly carried out immediately and a permanent plan put in motion for subsequent study and development.

Milt Shubert Wins His Letter; 2 B's for WB

Hollywood, Nov. 15.

Milton Shubert was handed two pictures to produce at Warners after studying production methods on the lot for eight months. First is 'Sweetstakes Winner,' Marie Wilson's initial starrer, and second is 'The Return of Dr. X,' featuring Boris Karloff.

Wanger's Double Take

Hollywood, Nov. 15.

Walter Wanger's 'The Illusionist,' scripted by Graham Baker and Gene Towne from a French play, is ready for production but may be headed off by 'Winter Carnival,' still unwritten.

Wanger is leaving the choice up to United Artists, with decision expected in a week. He still has two months' work to do on 'Stage Coach.'

Hellman's Talent Quest

Marcel Hellman, head of Excelsior Productions of London, changed his plan to sail for England last week and has gone to the Coast instead. British producer intends to sign talent for two pictures he intends to make in England in 1939.

LO'S PALM GOES UP

Apaches Demand Wampum to Pose for Candidos on Pic Location

Hollywood, Nov. 15.

Even the simple redskins on their reservations have gone Hollywood. As far as the Indians concerned, the Apaches have turned pro.

Ned Scott, still man with Walter Wanger's 'Stage Coach' crew in the wilds of Arizona, learned about the mercenary Indian when he tried to take a few candid shots. He got nowhere until he passed some wampum. The scale was one buck for a buck and six bits for a squaw.

Scott had to dig up, although the Indians were on salary as atmosphere and were renting their horses to the studio as well.

Howard and Futter In RKO Distrib Huddies For Their New Pic Co.

Leslie Howard and Walter Futter, back from Europe, are negotiating a distributing deal for three British quota pictures via their newly formed Major Productions, Ltd., planned to be made at Pinewood Studios, London.

Distribution has been discussed with RKO but no contracts have been closed as yet. Both will confer with RKO executives and others before returning to London. Howard will produce and star in all three pictures, the first of which may be 'Mississippi Bubble.'

Hempstead Hops Units

Hollywood, Nov. 15.

David Hempstead, associate producer under Darryl Zanuck at 20th-Fox, was shifted to the Sol Wurtzel unit in the same capacity. He produced the last two Shirley Temple films.

Hempstead moves into his new job after a two-week vacation, joining John Stone and Jerry Hoffman as Wurtzel associates.

HERBERT RECALLED

Pittsburgh, Nov. 15.

Hugh Herbert is out of show opening at Stanley, WB deluxer, Nov. 25. comedian having been called back to the Coast for a Par picture. Management agreed to cancellation when Herbert, who has been freelancing since Warner contract expired several months ago, agreed to fill date at earliest opportunity.

In his stead, house has booked in Machine Sullivan with Roger Pryor band.

Cowdin on Universal Income

Ahead of Last Year—Almost \$300,000 Weekly This Year—Darrieux Due Jan. 1

J. Cheever Cowdin, chairman of Universal board of directors, who returned from two months' business to London last week, states sales of Universal product abroad are going ahead, and that the company expects to cut last year's losses by half. Cowdin denied he had negotiated any new loans or financing for Universal from the Charles M. Woolf-Lord-Portal, or other British interests, as well as the report that Floy B. Odium of the Atlas, had phoned him in London to discuss a proposition to buy out the Cowdin or Woolf stock and debenture holdings in Universal.

Unofficial reports are that Universal business, from contracts already signed and bookings dated ahead, is increasing its take \$100,000 a week over that done the same months last year. This year the company will gross about \$1,130,000 and in December, it is estimated, figure will reach \$1,220,000 which makes a total of \$2,350,000 for the two months. Last year Universal grossed about

20th's Bell Tel. Pic

Hollywood, Nov. 15.

20th-Fox is co-starring Loretta Young and Don Ameche in 'Life of Alexander' Graham Bell.'

Romance of the telephone will be directed by Irving Cummings as a Kenneth MacGowan production. Miss Young leaves the studio after one more picture to free lance.

Two Double-B Series Dropped by 20-Fox; Need 'Jones' Stories

Hollywood, Nov. 15.

Two of the eight bread-and-butter series at 20th-Fox, Camera Daredevils and Big Town Girls, are on the way out, due to difficulties in finding suitable stories.

One of the Daredevil series, 'Sharpshooters,' has been released and two others are in preparation. Big Town Girls has two released as a third being written. Year's quota calls for three apiece.

Fred L. Metzler, 20th-Fox studio manager, is hunting hidden literary talent among the office employees, hoping to dig up new story ideas for the Jones Family series. Memo to the office help promises reasonable prices for acceptable material dealing with the average American family. Four Jones pictures are slated for the new season.

Richard Greene Nixes 24G Conditional Offer

Richard Greene, new 20th Century-Fox film find, turned down \$2,500 for a personal last week. Offer guaranteed to hypo figure to \$3,500 if he clicked.

Refused first offer, which was for a week at the Palace, Chicago, but expressed willingness to commit himself for \$3,500 for a starter, which was nixed. Bill Miller agency made the offer.

Donald Brian Tested By Metro as a Type

Donald Brian, veteran musical comedy singer, was screen-tested last week by Metro. Company is not interested especially in his voice, but more as a romantic actor of his age.

Demand for romantic types in pictures who are definitely past the juvenile stage reported by talent scouts in the east.

BROMFIELD'S FILM DICKER

Louis Bromfield arrived in New York from Europe last week and is dickering a picture deal on some of his works. Novelist will visit his family in Oberlin, O., within the next few days and will then remain in New York indefinitely.

He recently brought his wife and children back from Europe when a war seemed imminent.

SKIRBALL WEST TO SET UP GN PROD. STAFF

Jack Skirball, production head of the new Grand National Pictures Corp., leaves for the Coast the end of this week to set up the new producing organization. Deal for a Sam Coslow-Tommy Dorsey picture is being held in abeyance pending meeting of the GN board of directors. He has signed Tex Fletcher, radio performer, for a series of westerns, contracts on this also awaiting okay by the board.

A term contract calling for distribution of GN product in England by John Maxwell's Associated British Pictures Corp. Ltd., is the principal matter on the agenda of the directors' meeting which has been postponed from last week and rescheduled to be held last Monday.

A meeting of the board of directors of Educational Pictures, Inc. was held Monday (14) to discuss routine matters, but insiders close to both Educational and Grand National revealed that the Maxwell deal was discussed at that meeting. Probability is that further discussions and final ratification will take place when the GN board meets.

Annual stockholders meeting of Educational Pictures took place yesterday (Tuesday). Only routine matters discussed and the present board of directors re-elected. Board consisted of E. W. Hammons, Bruno Weyers, John R. Munn, Norman Nicholson, T. R. Williams and Hugh M. Kahler. Directors will meet again this week to discuss election of officers. No date has been set for the Grand National directors' meeting, previously scheduled for this week.

Frank Warner East

Hollywood, Nov. 15.

Franklyn Warner, president of Fine Arts, is en route to New York for a final huddle with Earle W. Hammons on the proposed British releasing deal between Grand National and Gaumont-British. Under Fine Arts' contract, Warner has the final word in the signing of all GN distribution deals.

Warner and Hammons will also confer on the advisability of making three high-budget Fine Arts pictures in addition to the regular schedule.

A. J. VAN BEUREN, 58, DIES; HAD RETIRED

Amedee J. Van Beuren, 58, president of the Van Beuren Motion Picture Corp. of N. Y., and head of the Colorado Springs Theatre Corp., died at his country home in Carmel, N. Y., on Saturday (12). He retired from business about six months ago after having suffered a stroke last July. Death, however, was caused by a heart attack.

Van Beuren was the son of the late Alfred Van Beuren, of the General Outdoor Advertising Co. He was active in the production of motion picture shorts and also distributed Frank Buck's 'Bring 'Em Back Alive,' 'Wild Cargo' and 'Fang and Claw' features.

About a year ago the Van Beuren Corp., in which RKO Corp., was a 50% owner, went through a series of manipulations which resulted in the formation of a new company, Concord Pictures, Inc., by a group which included Van Beuren, Frank Snell, v. p. of Van Beuren, Inc., George A. Hirtman, M. H. Hirsch and others. Concord eventually went into receivership. A. J. Van Beuren's 50% ownership of his corporation was vested in a holding company, Schuyler Securities Corp., and had been put up as collateral for a loan Concord had negotiated. It was later withdrawn and eventually acquired by RKO, thus giving latter 100% control of the remaining assets of Van Beuren Corp. RKO retains all distribution proceeds of the shorts and features made by Van Beuren and still being distributed.

Funeral services were held in Yonkers yesterday (Tuesday). A brother and two sisters survive.

Haley Vice Ebsen in 'Or'

Hollywood, Nov. 15.

Jack Haley moved into the cast of Metro's 'Wizard of Oz' as the tin woodman, replacing Buddy Ebsen. Latter forced out by pneumonia.

EXTRAS DEMAND OWN UNION

Freeman to the Coast in About Two Weeks; Mull Par Theatre Successor

Y. Frank Freeman, Paramount vice-president and member of the board, will leave for the Coast in about two weeks to head studio administration. Adolph Zukor possibly will get into New York before Freeman's departure, preparatory to his (Zukor's) sailing for London early in December. A head for the theatre department, though not expected to carry a v.p. title, is likely to be named at an early date, possibly prior to Freeman's takeoff for Hollywood.

Although Barney Balaban has been quoted as saying he would head the theatre department in addition to presidential duties, he states that the matter of who will succeed Freeman at the helm of theatres has not been discussed. If not someone from Balaban & Katz—Maurice Leonard's name has been mentioned—it could be one of several others who would direct theatre activities under close supervision by Balaban.

Among home office executives who could step into the post following Freeman's departure, those most prominently mentioned are Leon Netter, Montague Gorthorpe and E. Paul Phillips. Netter is particularly qualified in view of his many years at the Par h. o. and his intimate knowledge of the Par theatre setup plus close contacting of its partners and operators for many years on buying, operating problems and other matters.

Out in the field also are many high-powered Par theatre men and partners who would merit consideration. J. J. Fitzgibbon, gen. of Famous Players-Canadian, who is in New York now, is one of these. Martin J. Mullin, Sam Pinanski and John J. Friedl are others in operation for Par who do not own partnership interests. E. V. Richards and Bob Wilby wouldn't be expected to be interested.

Balaban declares that Freeman will not remain at the studio any longer to carry out any set program, but goes out there on a permanent basis. His son, Frank, Jr., who has been learning the business at the h. o., reportedly at no salary, will probably go out with the family. He is assertedly more interested in production and learning that than theatre operation.

Operators in for Huddles

Various operators are expected in N. Y. to see Freeman before he leaves. Mullin, Pinanski, Fitzgibbon and Louis Leffler, latter of Beaumont Amus. Co. (Texas), came in during the past week. On Monday (14) Tracy Barham, Ohio-Kentucky operator, arrived for a few days. Others are expected. A farewell dinner for Freeman, which would no doubt be attended by most of the partners and operators, had been discussed, but not set as yet. Freeman may not want it.

Zukor will reach London, under plans, before John W. Hicks, Jr., v.p., over the foreign department, leaves for the U. S. Hicks, who has been in England since John Cecil Graham resigned about six weeks ago, wants to go home in time for the Christmas holidays.

The question of expansion by Par in Britain and on the Continent is something that remains to be discussed, Balaban states. The Par president adds that he has no present plans himself to follow Zukor to London in the near future.

Reported that in addition to coordination of production-distribution and theatre matters in England and Europe, there may be some changes in administration and among branch managers. To what extent, if any, remains to be seen after Zukor has reached the other side. Sailing date from here, under plans, is Dec. 4.

Hollywood, Nov. 15.

First victim of the Paramount's economy drive is Herbert Moulton, relieved as general supervisor of the publicity and advertising departments and returned to the trailer bureau, from which he was upped two months ago.

Meanwhile, the entire studio roster

\$600,000 Under '37

Hollywood, Nov. 15. Extras' payoff this year will fall approximately \$600,000 short of last year. Retrenchment by studios blamed, with claim made that writers are under orders to eliminate the necessity of mobs in drafting screenplays.

Monthly average has been around 20,000, as against 24,500 in 1937, when 294,000 jobs paid off \$2,960,000. Qualified extra list pruned from 13,000 to 6,800 by Screen Actors Guild.

Novel Copyright Point In 20th-Fox's 'Battle Of Broadway' Title Usage

Interesting angle of copyright law was upheld by Justice Samuel Hofstadter in N. Y. supreme court last week when he denied the plea of Mary Orr, actress-writer, for an injunction against 20th Century-Fox. Motion was part of a suit that Miss Orr had brought in connection with the film, 'Battle of Broadway,' which 20th released last April.

Miss Orr's article in Pictorial Review published in January, 1936, was also titled 'Battle of Broadway.' It dealt with the trials she experienced in trying to land a legit role (she's in 'Bachelor Born,' Broadway play), while the film was concerned with the adventures of a couple vets during the American Legion convention in New York last year.

Her contract with the mag conveyed the serial rights. She reserved the dramatic rights for herself. The technical legal issue involved was the fact that the story was copyrighted intact, and there was no separate copyright of the actress' article. Nor did she file an assignment of her dramatic rights.

In resisting her exclusive claim to the title the film company contended that it had rightfully obtained permission for its use by the payment of \$100 to the mag publishers, and that if Miss Orr had intended to reserve the dramatic rights she should have filed a separate copyright. Also that the absence of a separate copyright for the article dissipated her claim to any right but that of publication. Edwin P. Kilroe was attorney for 20th-Fox, Julian T. Abeles the trial counsel.

DUVIVIER POOH-POOHS HOLLYWOOD METHODS

Paris, Nov. 7.

One shot in Hollywood is all Julien Duvivier wants for the time being. Duvivier, who has started on his first French film since returning from America, says he can't make himself agree with the methods used in Hollywood. So he has no intention of returning in the near future even though he had two offers of five-year contracts. He directed 'The Great Waltz' while in Hollywood.

After he finishes 'La Fin du Jour' now shooting, Duvivier is going to London to make one film for Alexander Korda, and afterwards will return to France for another film here.

All in a Day's Work

Hollywood, Nov. 15. Paramount studio flacks are doing an unaccustomed job, plugging three pictures filmed in other studios. They are 'The Beachcomber,' made in England, and 'One Third of a Nation' and 'Home Town,' shot on Long Island.

is being checked by order of Y. Frank Freeman to eliminate all deadwood. Understood cleanup will be the most sweeping in years.

3,000 GUILDERS ARE AFFECTED

Cinema Players, Inc., in Plea to Labor Board as Bargaining Rep—Loss of Rights Listed by Leaders—Charge Funds Unlawfully Disbursed

BRACKETT PREXY

Hollywood, Nov. 15. Expulsion from the Guild faces 3,000 extras who threaten to bolt for their own organization. It was stated by SAG officers. Bylaws require a member to notify the Guild in writing of application for membership in any trade union. CIO denied any interest in extras' move, as it's pointed out the industry is organized 90% by the AFL. Formal announcement of hands-off Hollywood is expected at the CIO convention in Pittsburgh.

Hollywood, Nov. 15. A move to split the Screen Actors Guild and form a separate union of extras has been launched by two groups of players claiming to represent more than 3,000 members of the SAG.

Fight has been carried before the National Labor Relations Board, with Cinema Players, Inc., petitioning to be certified as bargaining agent for extras, bit players, dancers and singers. Petition will have support of several former leaders in old Junior Screen Actors Guild, who resigned from SAG Council because of differences in opinion with board of directors on organizational policies.

Cinema Players, Inc., which has opened temporary headquarters downtown, claims the SAG has never been recognized by the NLRB as bargaining representative for the extras. The other petition filed by Edward Dahlen and Art Taylor, extras, asks that Producer-SAG modification agreement be cancelled.

Copies of two petitions were taken to Washington by Dr. Towne Nylander, regional director of NLRB, for discussion with board members. Organization claims to have full set of officers and board members, but said their identity would not be disclosed at present. Following statement was issued by Cinema Players:

'The Cinema Players, Inc., through its attorney, Don Lake, has filed with the National Labor Relations Board pursuant to Section 9 of the National Labor Relations Act, petition for recognition and certification as the sole collective bargaining representative of extra players, bit players, riders, singers, dancers, atmosphere and all other workers who came under the jurisdiction of Section 3 of the NLR code of the motion picture industry.'

'Cinema Players, Inc., has a membership in excess of 3,000 qualified players, and claims it represents the majority of qualified workers at the time the producers and the Screen Actors Guild entered into a 10-year agreement, which has since been abrogated.'

Ask Guild Disqualification 'Attorney Don Lake states that the junior membership of the Screen Actors Guild has no right to self-organization, collective bargaining or any right defined and set forth in Section 7 of the National Labor Relations Act, and this should disqualify the Screen Actors Guild as the bargaining agent.'

'Cinema Players, Inc., is now located temporarily at 707 Hill street, Los Angeles, but will establish permanent headquarters in Hollywood at an early date, where additional applicants for membership in certain special brackets will be accepted, subject to rigid requirements and investigation by the membership committee.'

'Mr. Lake, in speaking for the union of extra players, states that (Continued on page 21)

Pathe Film May Dissolve by Jan. 1; Du Pont Film Directing Details

Grimm Follow Up?

Broadway play agent called up story head of a major company and informed him that the screen rights of 'Oscar Wilde' has just been sold. 'Gosh, who would dare make it?' 'Disney,' replied the ribber, and hung up.

Schnoz Has Dilemma; Caught Between M-G's 'Ring' and Legit 'Swing'

Chicago, Nov. 15.

Jimmy Durante is in the middle of a situation between Metro and Dwight Deere Wiman. Later claims he will put his 'Swing to the Left,' Broadway musical comedy, into rehearsal Nov. 28, and Metro wants Durante for Nov. 21 to start in 'Let Freedom Ring,' the Hecht and MacArthur film with Nelson Eddy and Victor McLaglen.

Durante, who waited two months on the Coast this summer for what he considers his best film break in some time, favors the Hecht and MacArthur film, not only because of a conditional proviso that the picture takes priority, but because the authors specially wrote the Schnozle into the film.

Sundry delays halted both the film and play, but the picture must start rolling Nov. 21, as Eddy has concert commitments six weeks later.

Durante figures that if Wiman permitted him to join the show, after it went into rehearsal, he could keep both engagements. Wiman, however, is adamant, although the comedian argues there was an understanding the film would take priority. However, none anticipated delays all around. But the proximity of the Nov. 21 (film) and Nov. 28 (legit) starting dates makes it a very close proposition.

Durante has been on the phone from here, where he's fulfilling an engagement at Chez Paree, talking with J. Robert Rubin, Metro exec in New York, who has been huddling with Wiman. Lou Clayton, Durante's personal manager, may come east from Hollywood to further discuss matters.

COOK UP SEQUEL FOR 'BROTHER RAT' LEADS

Hollywood, Nov. 15.

Jerry Wald and Richard Macaulay are writing 'Life Is A Parade,' a sequel to 'Brother Rat,' at Warners. Same four principals will be used: Wayne Morris, Eddie Albert, Priscilla Lane and Jane Bryan.

MG Holds Von Sternberg Despite Tiff with Execs

Hollywood, Nov. 15.

Josef von Sternberg, rumored by Frank Borzage as director of 'I Take This Woman' at Metro, is set for another picture at that studio, and probably two.

Relieved of the Hedy LaMar star because of directorial disagreements with execs, von Sternberg is reading several scripts with authority to pick his own story.

'Good Earth' Reissue

Hollywood, Nov. 15.

Metro contemplates reissue of 'Good Earth' to cash in on the recent award of the Nobel prize to its author, Pearl Buck.

Another reason for digging up the Oriental play is the current interest in the Chinese war.

Pathe Film Corp. may be dissolved before end of the year and assets, consisting chiefly of stock holdings in duPont Film Mfg. Co. and the film laboratory printing and developing business in New York and in Bound Brook, N. J., may be liquidated and distributed to stockholders of the company.

Board of directors met last week, and adopted a resolution calling for holding a special meeting of stockholders Dec. 6 to pass on plan to liquidate the company and distribute assets.

Resolution, in addition to providing for a vote on liquidation of assets, calls for action on Dec. 6 to insure the passage of income from Pathe's investment in the duPont raw stock concern directly to the Pathe Film stockholders, and further states that the extraordinary benefits provided for under the Revenue Act may give stockholders an opportunity which may not occur again.

Neither O. H. Briggs, president of Pathe, or T. P. Loesch, v.p., would comment on the reasons for the resolution and the proposed vote, but said that the full plan would be sent to all stockholders this week.

First six months' statement for 1938 showed a net income of \$51,679 for the first two quarters, against \$104,549 in the first half of 1937.

What disposition will be made of the Pathe Laboratory business if stockholders vote on liquidation of all assets is uncertain. Insiders intimate that the labs may be reacquired by Briggs and his associates.

Pathe's 3,500 shares of duPont Film Mfg. stock has been valued at between \$3,000 and \$4,000 a share. One stockbroker reports that Stanton Griffiths recently acquired 150,000 shares of common stock. Pathe stock outstanding comprises 585,072 shares common, 7,968 preferred. One guess as to the disposition of the duPont asset is that the stockholders may vote to distribute those holdings among themselves on a percentage-of-a-share basis to each holder of Pathe.

LLOYD-PAR DISCUSS 'RULER OF SEAS,' NEXT

Although he has only one more picture to go under his contract with Paramount, 'Ruler of the Seas,' Frank Lloyd will not discuss terms on a renewal until after he has this picture under way after the first of the year. He reached New York Saturday (12) from a European vacation and will remain east about a week before returning to the Coast.

Meantime, Talbot Jennings, writer, who had 'Spawn of the North' and 'Mutiny on Bounty' for Lloyd, is in the east working on the script of 'Seas.' He got into N. Y. Friday (11) from White Sulphur Springs, Va. Lou Smith, associate to Lloyd, is also here to meet Lloyd, having arrived during the past week, and will return west with the Par producer-director.

Shooting on 'Ruler' is scheduled to begin Feb. 1, with release in April, under plans.

Cutting Room Floor Brings \$50,000 Suit

Hollywood, Nov. 15.

Greta Meyer, actress, has sued Hal Roach, National Screen Service and Metro for \$30,000, claiming her name was used in a trailer for 'Swiss Miss,' in which she did not appear.

Complaint charges other producers would be disposed to feel her supposed work in picture was such as to be eliminated.

Griffis Analyzes Par-Dumont's Visio; Scophony's American Plans

A special art for the production of film for televising by Dumont, in which Paramount owns a 50% interest, may be developed according to Stanton L. Griffis, chairman of the executive committee of Par who announced plans while on the Coast to immediately go ahead with this form of entertainment. There is no present plan to televise Par features or short subjects, but so far as news-reels are concerned, the television medium applies itself very directly.

Par will operate Dumont as one of its subsidiaries but not as an integral, direct part of production-distribution and theatre operation which forms the backbone of Paramount Pictures Inc., although Griffis stresses that Par's interest in development of television is to keep pace of progress, protect the investment of its stockholders and theatres which will depend on television as a benefit. He senses no development in television that won't be to the benefit of pictures and the theatres.

What form a new type of film for television use may take is something that cannot be predicted at this stage, pending the operation of a Dumont transmitter at Montclair, N. J., some time in January or shortly thereafter. A production subsidiary to turn out special film entertainment to be televised would no-doubt be set up by Par and Dumont. The other 50% of Dumont Laboratories, Inc., pioneers in television is owned by the Allen B. Dumont interests. Par is said to have paid \$50,000 for the half interest it controls.

In addition to certain basic patents which it claimed no one else has, and tests which have brought out good reception, the Dumont Lab is manufacturing receiving sets and cathode ray tubes with certain improvements. Griffis has one of the first sets in his private office at Par. It is built to retail for \$395, with first orders being filled at Macy's and Liberty Music Stores, N. Y. The set, receiving an image 8 x 11 inches and no larger than the average radio, will be brought down in cost when manufacture advances.

The license from the Federal Communications Commission is to conduct experimental broadcasts.

Commenting on television but reminding that he's going to continue selling pictures the same as usual, Neil F. Agnew, Par p. p. over, distribution, feels it is as dangerous to predict how far televising will go as it was to guess what would happen to talking pictures when sound first was developed.

Scophony

Solomon Sagall, managing director of Scophony, Ltd., English television company, claims that the American Scophony company plans to place its own home television receivers on the market in anticipation of the start of regular television broadcasting in New York next spring. Company proposes to build a manufacturing plant to make these receivers for the U. S. market.

Scophony statement claims its television receivers give a picture nearly two feet square in size. Also stated that it has developed television apparatus providing large screens and hopes to interest some picture companies in this country.

Company proposes to enter the field of manufacture and sale of transmitting equipment after developing film television transmitters and synchronization equipment. The Scophony statement also says 'the American company, when established, will investigate the possibilities of entering the field of commercial television broadcasting.'

Maria Gambarelli Set To Head Met Opera Ballet

Maria Gambarelli, former picture house ballerina, goes to the Metropolitan Opera this year to head an expanded ballet of about 80 dancers. Met's ballet has been around 35 in size of recent years.

With an increased budget and under the direction of Boris Raminoff, who comes over from the Royal Opera, Rome, the Met will give special evenings of all-ballet as well as various afterpieces.

Miss Gambarelli, who made three motion pictures in Italy last season, will debut at the Met in connection with 'Aida' Thanksgiving Day.

WARNERS INTENSIVELY DAY-DATING 'ANGELS'

With 300 or more day-and-date Thanksgiving week bookings as its goal, more than 150 of which have already been set by Grad Sears' sales department, Warner Bros. is sending 'Angels With Dirty Faces' on general release concurrent with this, the company's strongest, drive on simultaneous dating on a try for a top rental take on any single week for a picture. WB is plunging on an ad campaign for 'Angels' which may run to as much as \$125,000 in cost, according to the home office.

A similar campaign is being laid out for 'Dawn Patrol' release of which will be withheld until Christmas week.

An early December release, 'Devil's Island,' is being tested in six spots Thanksgiving week. One of these will be New York and probable that the Rivoli will get 'Island' in line with pre-release plans. Special exploiters will be put on to cover the six testing engagements.

Jesse James Shoots Up A Cycle in Hollywood

Hollywood, Nov. 15. Life of Al Jennings, one-time Oklahoma outlaw, will be told in film planned by Harry Sherman, producing for Paramount.

Sherman, just back from a location tour of Oklahoma, proposes a picture costing \$750,000 and employing 1,000 men, to start next January.

B&K's New G.H.Q.

Chicago, Nov. 15. Balaban & Katz will move its executive offices to the State-Lake building shortly after the first of the year. B. & K. views new location in the Chicago theatre building and the Loop-End building adjoining.

By that time B. & K. will be operating the State-Lake theatre on its own following termination of operating deal with Jones, Linick & Schaefer.

Wagons Going West

Hollywood, Nov. 15. 'Wagons Westward,' Republic's big budgeter, rolls Dec. 1. Sol Siegel producing and George Nichols, Jr., directing.

Mary McCall, Jr., has been signed to write additional dialog.

LONDON WITH SMALL

Hollywood, Nov. 15. John R. London moved into Edward Small Productions as assistant to Joseph Nadel, production manager.

Formerly London was at 20th-Fox.

BBC Tries Television in Theatre During Actual Performance

London, Nov. 15. BBC visio dept. will tomorrow (Wednesday) undertake full-length play from theatre in which it is being performed. Significance of experiment is considered great as a successful transmission would open boundless fields for development, and may mean the first step has been made towards an eventual revolution of major proportions in the show world.

Play to be thus presented is J. B. Priestley's 'When We Are Married,' currently at the St. Martin's. Broadcast will be done through three emitters, one centrally in the dress circle to show the entire stage, others at each side of the stalls to do close-ups. Viewers will see the performance exactly as played to the theatre audience, with rise and fall of curtain, intervals, etc. Show, incidentally, will be one of the longest unbroken visio shows yet handled by BBC.

Have You an Aspirin?

Judges who will make final awards of prizes in the Movie Quiz contest being conducted by Motion Pictures Are Your Best Entertainment, Inc., were announced yesterday (Tuesday) by George J. Schaefer, chairman.

Arbiters who will pass upon distribution of \$250,000 in prize money include: Mrs. Ogden Reid, of the N. Y. Herald Tribune; Congressman Bruce Barton; Helen Wills Moody, tennis champ; Dr. James E. West, national commander of the Boy Scouts, and Hendrik Willem van Loon, writer.

Contest closes Dec. 31.

Okla.'s 'Little Wagner Act' Proposal Would Also Affect Show Biz

Oklahoma City, Nov. 15. American Federation of Labor and the Committee for Industrial Organization have joined hands in Oklahoma to demand passage of a 'little Wagner act' to cover all Oklahoma industries not engaged in interstate commerce. This would cover theatres, film exchanges, radio stations, nighteries and practically all other forms of amusement.

First step in the campaign was a move to heal the breach between the two rival labor organizations by the Oklahoma City trade and labor council. Support of the plan has been assured by the powerful Oil Field Workers Union, a CIO affiliate.

Sixteen sections are contained in the draft. Major sections would compel employers to bargain with representatives chosen by a majority of their employees; set up a quasi-judicial State Labor Relations Board, guarantee employees the right of self-organization and collective bargaining free from interference, define unfair practices and empower the board to prevent unfair labor practices by use of court cease-and-desist orders. Unfair labor practices are defined in the draft as spying on employees, distribution of blacklists, interference with unions, discrimination, refusal to bargain and refusal to discuss grievances.

A decision is still waited from the state supreme court on constitutionality of a state wage and hour law which if held legal, will affect all forms of the amusement field in Oklahoma.

Fleischer Animators

Veto CIO Unionization

New Orleans, Nov. 15. Employees of the art production department of Fleischer Studios, Inc., of Miami, voted against affiliation with the CIO in a National Labor Relations Board election. Charles H. Logan, regional director for the board with headquarters here, reported.

Logan said that 124 votes were cast, 66 against affiliation with the United American Artists, a CIO union, and 58 in favor. The election was conducted under the direction of Jack Dolan, one of the board's New Orleans field examiners.

Only difference observable by the theatre audience will be increased stage lighting and the presence of the cameras in position where they will not affect a clear view of the stage. Production staff and technicians from Alexandra Palace are studying the performance every night for a week in advance to study action and lighting needs.

Second stage broadcast will follow a week later (24), when first visio broadcast of a theatrical first night will be opening of new Jack Hulbert-Cicely Courtneidge show, 'Under Your Hat,' at the Palace. This time, though, cameras will concentrate chiefly on foyer scenes and interviews with the stars in their dressing rooms, but an excerpt from the first act will later follow.

BBC has already shown a film first night, when home viewers looked in on scenes at the Carlton for opening of 'St. Martin's Lane' and also saw brief shots from the picture.

Lefty's Switch on the Milkman's Matinee, but Different Hours

By Joe Laurie, Jr.

Coolacres, Cal., Nov. 15.

Dear Joe:

Junior is over the mumps and it sure makes us happy. He is a great kid and is growing like a weed, and is plenty hard on his clothes. Aggie found a way to keep the kid's clothes clean for several days at a time—she just don't put 'em on him. He is now at that putty blowing age and shoots the peace all over the house. Pretty soon his face will be big enough to slap.

I had a guy come in to talk to me about putting on a commercial program over my station. He represents a bridge construction firm and they want to try a one shot show to see if it would help them get some business. I think the guy is screwy because I don't know anybody in this town who would want a bridge. Some of the natives could use a bridge because it's awfully hard to make 'em come across. (Get it?) I put on an hour show at night from 10 until 11 p.m., something like 'The Milkman's Matinee,' same idea but different hours. I run it just for the stay-ups; every town has guys with insomnia. I bought a big bunch of second hand records which I play during that hour. Vic said I got stuck; because they are practically all played out. They scream somethin' fierce and jump four and five bars at a clip. I told Vic it proves that somebody liked them if they've been played a lot. Anyway, when the listeners hear the screaming they usually blame their sets or static. I got a letter today telling me that I have to pay royalty for playing records too. I hope the listeners don't start an organization that will make me pay them for listening.

Well, you know me. I'm always trying something new, so for a novelty I booked in Charlie Chaplin in 'Modern Times.' As you know it's a silent and the customers wanted to know if my sound track was broke. The picture still gets plenty of laughs. I think they should silence some of the pictures they're making now, and we'd all be better off. I ran another feature with it; one of them draggy things that should have at the finish of it a caption reading 'Positively the End.' The guy that wrote it must have run outta talk because he put plenty of drinking scenes in it. Every time you'd look somebody in the picture was hysting a highball. I find that too much drinking in a picture makes the drunks go out for a real one, and the nice people go out for good. What the industry needs is a new word for Feature, besides what the audiences call 'em.

See by your letter that you want to see the show 'Abe Lincoln in Illinois.' I read some rave notices on it. It reminds me of the time when a casting agent asked an actor could he play Lincoln, and the guy said, 'Why not, I played Cleveland once.' While I'm telling stories here's one a film salesman told me about a gal who was down to her last cent and finally landed a two-day picture job with a quickie company. They told her to report the next day for work and to wear her street clothes for the picture. So the gal went to a little tailor shop and told the tailor to clean the dress and that she had to have it the next morning. 'Okay,' said the tailor. 'What time shall I call for it?' asked the dame. 'You don't have to call for it. I'll deliver it to you myself. I'm your leading man,' said the tailor.

I'll be glad when the football season is over; my newsteels are full of forward passes but it sort of gives the warships and marching soldiers a rest. I'm looking forward to seeing the sweepstakes winners, and snow-storm scenes.

Well, give our best to the boys and girls back there and tell 'em not to worry. Now that the elections are over things will be picking up again, and it won't be long when a baby's bank will rattle again when shaken. Sez

Your Pal,

Lefty.

P. S. Tiny Ruffner sez, 'Nothing ever causes a young man greater surprise than to find some one has fallen in love with his sister.'

Durbin's 326 Prints

'That Certain Age' after two weeks at the Roxy, N. Y., where it could have stayed a third, was pulled due to the fact that Universal has booked it into the RKO metropolitan N. Y. houses starting Thanksgiving (Nov. 24).

With this bookings, Universal will have 326 prints of 'Age' in circulation, 26 prints more than ever used on any previous Deanna Durbin picture.

Standard Exchanges In 31 Cities for Indie Pics

Hollywood, Nov. 15. Standard Pictures is setting up a national distribution organization of 31 exchanges to handle outside independent product in addition to its own program of 12 pictures this season.

To permit exchanges to work out prior commitments, distribution obligations start after delivery of three Standard pictures. After the third picture, the exchange is obligated to use the Standard name.

Standard's program for the season consists of six Headley Family features and six Radio Reporters.

Permanent Drive Setup

Permanent setup for the good will of the film business in a manner not unlike that of the Motion Pictures' Greatest Year campaign was proposed last week by George J. Schaefer, chairman of the drive executive committee, at the AMPA luncheon. He urged that steps be taken to form the drive, in order to meet the picture industry's seasonal problems next spring.

Schaefer explained how the campaign this year raised \$1,000,000 for the greatest picture year, and paid tribute to various committees.

N. Y. STATE'S 17-YEAR PIX NET—\$2,537,322

Albany, Nov. 15.

Seventeen years of peeking by the Motion Picture Division of the Department of Education has grossed the State of New York a total net revenue of \$2,537,322. This is shown in the annual report just submitted by Director Irwin S. Gann to Dr. Frank P. Graves, Commissioner of Education.

Figures for the fiscal year ending June 30 showing a total income of \$304,673 against an outlay of \$64,648 gives the state a profit of \$239,425. The income was upped by \$11,638 over the previous 12-month period and the outgo was decreased to the tune of \$72,85.

Now You're a Director

Hollywood, Nov. 15.

Jack Townley, Republic writer, was upped to director and put to work on 'Mexicali Rose,' a Gene Autry starrer due to start Nov. 25. Gerald Geraghty is doing the screen play.

New High Speed Film

Hollywood, Nov. 15.

New Eastman high-speed film is being used for the first time by Warners in the production of 'Juarez.' Tony Gaudio, after two months of exhaustive tests, said the new film emphasizes the illusion of depth and reduces the illumination factor by 50%.

ON LOAN TO 'LIVE'

Hollywood, Nov. 15.

Metro loaned Maureen O'Sullivan to Columbia for the femme lead in 'Let Us Live,' slated to start Nov. 25. Ralph Bellamy and Henry Fonda have the top male roles.

CONCILIATION LOOKS SET

F&M's Theatre Expansion Plans; More New Construction Going On

With gradual improvement in operations being shown, Fanchon & Marco may add more theatres to its own chain. Such expansion may involve new buildings as well as leasing or operating arrangements on houses already existing. Circuit may build several neighborhood houses in St. Louis under expansion move, including one for colored patronage.

Sam Dembow, Jr., active in F&M operation, joined the company as a partner and v.p. less than a year ago concurrent with a deal buying out the Koplir interests in St. Louis. Dembow is said to have invested a substantial sum in F&M on becoming associate with the company, and is figuring vitally in its advancement.

Charlotte, N. C., Nov. 15. The Pick theatre (abbreviated from Pickwick) opened as a second theatre in Chapel Hill Nov. 7. But it was the only one for a week, because the Carolina was closed that long for extensive renovation and for installation of new equipment. The houses are under the same management.

Concord, N. C., Nov. 15. Workmen will begin within the next few days the construction of a new picture house here. Contracts for the projects were let by the North Carolina Theatres, Inc., at a meeting of officials in Charlotte.

New structure, which will seat more than 1,000, will be completed by April 15, 1939.

The Paramount, operated by North Carolina Theatres, Inc., will continue in operation after the new unit is opened.

Salt Lake's New Ones
Salt Lake City, Nov. 15. Two new deluxers in adjoining suburbs of this town: Joe Lawrence's Murray, 880-seater, opened at Murray, thriving center town. Lawrence also owns Rialto, State and Southeast houses here.

Olympus, 60-seater, at Holliday, staged elaborate opening with city and county officials attending. House built, owned and operated by P. S. Guss, prez of the Intermountain Theatre Supply Co. Guss operates two other nabs in Utah cities.

Lynchburg, Nov. 15. Work has started on a \$75,000 film house at Luray, Va., summer resort town.

Los Angeles, Nov. 15. La Reina theatre, built jointly by Fox-West Coast and Nate Scheinberg in Van Nuys, opens Thanksgiving eve. Robert Rothel is manager of the 900-seat de luser.

J. E. Foynter, former manager of the San Clemente, San Clemente, Cal., sub-leased the house and is operating it for himself.

Louis Long, chain operator, building a new theatre in Eloy, Ariz.

Wilby's 8th
Atlanta, Nov. 15.

George Wilby and associates added No. 8 to their chain when they acquired Piedmont Road Parking Palace theatre, their second outdoor house. These outdoor theatres feature a combo speaking and heating unit which makes automobiles comfortable and permit year-round operation even in bitter weather. Frank Harris, former manager of Lucas & Jenkins' community theatres here, is now booking for Wilby's local houses and Al Whitte, ex-exploiter of Rialto, is doing booking for chain's North Georgia string.

New 800-seat house on Third Street in Macon, Ga., nearing completion.

American Seating Co. has contract for re-seating Murray & Mion's 999-seat Rialto, local indie first-runner. East Point Amus Co., F. C. Coleman prez, which operates College Park and Fairfax, has let contract for construction of \$30,000 500-seater at Central and Virginia avenues, in Hapeville, Atlanta suburb.

N. O.'s Newest
New Orleans, Nov. 15.

The Regent, the city's newest picture house, opened Armistice Day (11) in business session with first-run show. (Continued on page 17)

Gorman's Added Chores

Chicago, Nov. 15. While James Christy is in a hospital convalescing from a recent illness, Tom Gorman has been appointed to full charge of the RKO theatre situation in this territory.

Gorman has been in town about four weeks, coming in originally as publicity and advertising chief for RKO in the midwest.

PHILLY NOTES MONO, REPUB PIX UP

Philadelphia, Nov. 15. Despite talk of delaying buying, film sales here this season went about the same speed as in previous years. Majority of situations have been sold by now. As always, those exchanges which had pix that made money for exhib last season felt no effects of the 'delay,' while those that were found last season to be n.s.b., or that tried to push up prices, on deals, were laid off until film requirements forced exhibs to ink terms. Several exchanges which sought more percentage pictures or tried to up rentals were required to back down from original demands when the layoff got serious.

Indies, Monogram and Republic, both did better this year than last. Principally responsible for Mono's good showing were nice b.o.s. produced during the past season by 'Boy of the Streets.' Republic has consistently bettered its position in the territory each year.

Large circuit deals in the west have been closed by United Artists and Republic with Fox-West Coast, Fox Inter-Mountain, Fox Midwest, Fox-Wisconsin and the Evergreen chains which are grouped under National Theatres Corp. Rep has also sold the J. G. Long circuit which operates in 14 Texas situations with Long taking everything, including features, westerns and serials.

The F.W.C. deals were closed in New York. On conclusion of the Rep negotiations, handled for Rep by James R. Grainger, he left Thursday night (10) for a swing around the southern offices of the company. Jack Schlaifer acted for UA on its deal.

Deal closed with the 50 houses in Public-Kinney circuit, Charlotte, N. C., for the entire United Artists line-up for 1938-1939. Deal consummated by Harry Gold, David Prince and Jay Schrader, representing UA and H. F. Kinney.

Gold flew to Dallas Monday (14) to set deals with Interstate Saenger and other circuits. Due back on Friday.

Osa Johnson's \$754,000

Plane Crash Suit to Trial

Osa (Mrs. Martin) Johnson has gone to the Coast to give depositions in two suits for \$754,000 against Western Air Express and Western Air Terminal Corp. in the California superior court for the death of her husband and her own personal injuries in a plane crash nearly two years ago.

She is being accompanied by her lecture manager, Clark H. Gettis.

Two Move Up at M-G

Hollywood, Nov. 15. Joe Cooke, manager of the 'Wizard of Oz' unit at Metro, was upped as assistant to Charles Chic, plant's general production head.

Keith Weeks succeeded Cooke on 'Wizard.'

WOULD MEAN END OF MANY SUITS

90% of Exhib-Distrib Grievances Could Be Handled That Way—In the Past It Was Important Until NRA Stepped In

LOCAL BOARDS

Conciliation machinery, considered one of most vital of 10 points in Motion Picture Theatre Owners program of trade practice reforms, now looms as a certainty and is going through as originally planned by the MPTOA. Conciliation for the industry means that local boards will be set up and take care of 90% of complaints that have proved a recurring headache in the last few years.

Establishment of conciliation as an actuality, which is expected to receive final okay with the conclusion of discussions on MPTOA's 10-point program some time this week, is regarded as the most prominent reform obtained because, presently, nearly all law suits are based on the grievances of overbuying and unreasonable clearance.

Local boards established through the conciliation structure are figured on taking care of overbuying and unreasonable clearance squawks in the trade. The other 10% of grievances are based on cancellation clause and modification of sales rules.

All signs point to the conciliation arrangements going through as first hoped for and originally planned. Some exhibitors have suggested that distributors and non-affiliated exhibitors be allowed on local boards in order that a balance be maintained between these two elements of the industry. However, exhibitors also could use the boards if local representatives include the more intelligent exhibs and those holding the confidence of exhibitors and distributors alike.

It now is considered the important thing to have local representation aligned so that the boards will not vote to jam any special edict down the throats of exhibitors or distributors. The boards will be chosen locally when the time comes.

Would Cut Litigation

Even with these boards operating, their rulings are not final because an appeal can be made by taking the grievance to a court of law. However, there seems little doubt but that the immense amount of litigation would be curbed considerably for the simple reason that the local conciliation board's ruling always will be on hand when a court action is brought before a judge. This precedent of an unbiased board's decision naturally will work against the person appealing through litigation. Also the operation of the boards is expected to produce a better feeling between exhibitors and distributors in addition to curbing unlimited number of law suits.

When the local boards actually do set up office for business, it will be the first time such machinery has been in operation since zoning and clearance boards and grievance committees operated under the NRA. These carried on for one and one-half years but the big trouble was that it became a habit to appeal all rulings of these boards and committees. Result was that the Blue Eagle local zoning, clearance and grievance actions became a joke. An appeal could be made economically and so often was resorted to, tossing the burden of decisions on the Film Code Authority. Supreme Court ruling tossing out the NRA halted this operation.

Before that the picture business depended on Film Boards of Trade until dissolved by court order in 1930. The arbitration boards which operated under the Film Trade Boards ceased functioning in 1929 as a result of the Thatcher decision.

Fireworks Loom in Trade Parleys As Indies Pin Down the Distribs

Kaltenborn Goes Pathe

H. V. Kaltenborn, CBS' foreign news commentator, has been signed by Pathe News as assistant editor and foreign news advisor.

Spier's handling of recent Czech crisis is generally regarded as being inspiration for Pathe assignment. He will stay on with regular CBS broadcasts.

Fireworks loom in conferences with independent exhibitor, organizations as negotiations approach the point where both sides (distributors and exhibitors) begin to pin each other down as to which trade practice reforms will become a part of machinery of the future to govern relations between buyer and seller of film.

Following preliminary meetings and an undercurrent of dissatisfaction, notably in the Allied camp, plus a determination on the part of other exhib bodies to get to the heart of things, the fur may be flying any minute now as cold turkey talk and action is urged.

WAGE-HOUR SO FAR LIMITED TO STUDIOS

National wage-hour law has simmered down as being applicable to studios and the production end of the business. Exhibitors have been informed that the administrator of the new law has ruled that film theatres do not come under the wage-hour regulations as presently constituted.

Although film exchanges and home office workers do come under this law, only a negligible few in scattered exchanges probably would be affected by the statute at the present time. Check this week showed that a majority of exchanges operate on a 5 1/2-day basis, with several shutting on Saturday, making a 5-day week.

The prevailing work hour schedule calls for eight hours daily, so that exchange workers as a whole would conform to the prevailing 44-hour maximum of the law in its first year of operation. Wages easily comply with \$11 minimum.

Sole catch is that some changes probably will have to be made at certain exchanges when the wage-hour law puts a 40-hour week in effect, with the stricter maximum on hours and minimum on wages going in after the law has been operating for several years.

Ruling on theatres had been more or less anticipated or forecast by industry leaders weeks ago. They also predicted that application of the law to film exchange workers would mean few shifts.

Home offices of film companies easily swing in compliance with the wage-hour law, even office boys having been paid above the minimum scale for many years. They have had a five-day week ever since the NRA.

The Motion Picture Theatre Owners of America, which went over the entire matter at its recent Oklahoma City convention, is anxious for early action and reportedly for concessions on cancellations and other matters that will become effective with this season's (1938-39) product, not the '38-40 pictures.

Ed L. Kuykendall, president, met personally with S. R. Kent, chairman of the distributor committee, yesterday (Tues.) to lay plans for future parleys with his whole committee. With distributors not in accord on certain issues, meetings with MPTOA are deferred until Dec. 8 to give distributors a chance to agree among themselves. Following meetings scheduled for Dec. 8-9, Kuykendall will report results and status to the MPTOA board. Several major points are at issue, and details remain to be cleared on others. Meantime, Allied is declared to be dissatisfied with inferences it has reached an agreement in principle with the distribts. The Abram F. Meyers organization claims two of its most important planks have not even been discussed, inference being that distribts are sidestepping them altogether.

These are, (1) that block booking and blind selling be abolished, and (2) that production-distribution be completely divorced from exhibition. On these two points distribts are not expected to yield, which may mean a deadlock so far as Allied is concerned.

On returning to New York, Kuykendall indicated that if his organization isn't satisfied with any of the final proposals, it reserves the right to fight for a better deal. The question of whether the distribts may attempt to silence exhibs for all time on trade practices, if agreeing to a system of self-regulation now by exacting any kind of promise concerning future action, is something else again.

Says Kuykendall
Kuykendall had the following to say with respect to the MPTOA: 'We are ready for a final conference with the distributor representa- (Continued on page 24)

1905 - 1938

NOVEMBER	DECEMBER	JANUARY
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Third
OF A
Century

'Cowboy' Rides Off with Brisk \$30,500,
'Waltz' Dreamy \$28,500 in L. A. Update;
'Service' Okay \$14,400, Wings' 16G H.O.

Los Angeles, Nov. 15. Better tone in most of the houses currently, aided by the Armistice Day holiday and clear, cold weather over the weekend. 'Cowboy and the Lady' is bringing the customers into the day-date Warner Downtown and Hollywood, while at the State and Chinese 'Great Waltz' should account for a joint \$28,500.

'Room Service' is grossing fair returns at the Pantages-RKO. At the Par, 'Men with Wings' is in second stanza, with two-day extension contemplated which will give opus nine days on second and final week. Only weak biz in town is 'Just Around the Corner' on moveover to the United Artists and Wishart.

Estimates for This Week
 Chinese (Grauman-F-W-C) (2,024; 30-40-55-75)—'Great Waltz' (MG) and 'Down on Farm' (20th), dual. House back in the running after couple of bad weeks and will finish with neat \$13,500. Last week, 'Just Around Corner' (20th) and 'Road Demon' (20th), total \$12,500.
 Downtown (WB) (1,800; 30-40-55-65)—'Cowboy and Lady' (UA) and 'Torchy Gets Man' (WB), dual. Goldwyn opus opened strong and aided by holiday and Armistice Day, and biz should hit nifty \$15,000 on opening stanza. Last week, 'Hard to Get' (WB) and 'Gangster's Boy' (Mono), not very hot, \$6,500.

Hollywood (2,756; 30-40-55-65)—'Cowboy Lady' (UA) and 'Torchy Gets Man' (WB), dual. Hitting a lively pace and will garner \$15,500. Last week, 'Hard to Get' (WB) and 'Gangster's Boy' (Mono), just fair \$7,500.

Orpheum (Bdwy.) (2,280; 25-30-35-40)—'Shadows Over Shanghai' (GN) and 'King of Alcatraz' (Par), dual, and vaudeville. Trade about normal so should have no trouble hitting profitable \$3,800. Last week, 'Mr. Doodle' (RKO), solo, and ice show on stage, neat \$6,000.
Pantages (Par) (2,810; 30-40-55)—'Room Service' (RKO) and 'Breaking Ice' (RKO), dual. Nothing sensational after records hung up by 'Can't Take It' (Col), very good \$2,000. Last week, final four days of sixth week, 'Can't Take It' (Col), very good \$5,000.

Paramount (Par) (3,595; 30-40-55-75)—'Great Waltz' (MG) and 'Down on Farm' (20th), dual. Will wind up with neat \$15,000. Last week, 'Just Around Corner' (20th) and 'Road Demon' (20th), total \$12,500.
United Artists (F-W-C) (2,100; 30-40-55)—'Just Around Corner' (20th) and 'Drums' (UA), dual. Just not make it the way it moveover so looks like fair \$3,200. Last week, 'Suez' (20th), solo, very good \$4,700.

Wilshire (F-W-C) (2,298; 30-40-55-65)—'Around Corner' (20th) and 'Drums' (UA), dual. Biz around \$4,300 on moveover best in sight. Last week, 'Suez' (20th) solo on moveover, nifty \$7,100.

OK IN OKLA.

'Great Waltz' Rhythmic for Big 6G—'Ark. Traveler' \$4,500

Oklahoma City, Nov. 15. 'Great Waltz' big \$6,000 at Crittenton. 'Can't Take It' stopping over fourth week at State. Extended run record in Oklahoma City.

'Men with Wings' shifted to Tower for second week after \$6,100 first stanza at Crittenton.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40)—'Great Waltz' (MG). Big enough at \$6,000. Last week, 'Men Wings' (Par) topped \$6,100 in eight days.
Liberty (Stan) (1,200; 20-25)—'Renegade Ranger' (RKO) and 'Vacation from Love' (MG), split with 'Sons of Legion' (Par) and 'Torchy Gets Man' (WB). Okay \$2,400. Last week, 'Fugitives for Night' (RKO) and 'Campus Confessions' (Par), split with 'Moto' (20th) and 'Breaking Ice' (RKO), total \$2,400.

Midwest (Stan) (1,500; 25-35-40)—'Arkansas Traveler' (Par). Nice at \$4,500. Last week, 'Sisters' (WB), good \$4,700.

State (Cable) (1,100; 20-25-40)—'Can't Take It' (Col) (4th week). Should take okay \$3,000. Last week, \$3,500.

Tower (Stan) (1,000; 25-35)—'Men Wings' (Par) (3rd week). Criterion. Should garner nice \$3,000. Last week, 'Suez' (20th) did satisfying \$2,700.

'Broadway Grosses

Estimated Total Gross

This Week.....\$275,700

(Based on 12 theatres)

Total Gross Same Week

Last Year.....\$298,000

(Based on 13 theatres)

Heat, Grid, H.O.s
Boff L'ville Biz;
'Heart' Fair 6G

Louisville, Nov. 15.

Warm weather and football interest are not helping the downtown grosses. Armistice Day holiday crowded streets and gave b. o.'s a slight lift, principally at Loew's State and Rialto, only two houses on main stem which have new films. Both opened Thursday (10) in order to be lined up for the coming Thanksgiving Day openings and are doing fair biz. H. o.'s are holding down takings.

George M. Cohan in 'I'd Rather Be Right' comes in tomorrow (Wed.) for mat and night show, with fine advance sale. Top seats are \$3.80 and take for the one-day stand at Memorial Aud should hit around \$7,000.

Estimates for This Week
Brown (Loew's-Fourth Ave.) (1,100; 15-30-40)—'Arkansas Traveler' (Par) and 'Touchdown Army' (Par). Showed at Rialto couple weeks ago to swell biz. Current outlook points to okay \$2,000. Last week, 'Suez' (20th) and 'March of Time', fair \$1,200.

Kentucky (Switow) (900; 15-25)—'Sinners' (Par) and 'Gladiator' (Col). This house holds up to consistent good averages and current stanza points to okay \$1,800. Last week, 'Alexander' (20th), good \$1,300.
Loew's State (Loew's) (1,100; 15-30-40)—'My Heart' (UA) and 'Crime Holiday' (Col). May hit close to \$6,000, fair. Last week, 'Great Waltz' (MG) and 'Juvenile Court' (Col), \$6,000, okay.

Mary Anderson (Libson) (1,000; 15-30-40)—'Brother Rat' (WB) (2d week). Topped plenty of attention on Armistice Day, school holiday, and looks to pace for satisfactory \$3,600, following initial stanza's bumper \$6,000.

Ohio (Stetson) (900; 15-25)—'Fathers' (20th) and 'Invisible Menace' (WB), split with 'Loved Fireman' (WB) and 'Bat Whispers' (UA). Pointing to nice \$1,500. Last week, 'Suez' (20th) and 'Special Agent' (WB), split with 'Torchy Gets Man' (WB) and 'Missing Witnesses' (WB), fairish \$1,300.

Rialto (Fourth-Ave.) (3,000; 15-30-40)

'Citadel,' 22G, Surprise Smash in Pitt;
'Drums'-Ams OK 19G, Quints Score

Pittsburgh, Nov. 15. Armistice Day holiday, cooler weather, post-election rebound and easing off in football hysteria have produced generally more favorable conditions in show biz. Pickings are up considerably over slim takings of preceding few weeks and things look better currently than they have for some time.

Biggest surprise of current stanza is great showing of 'Citadel' at Penn, where it is hitting far ahead of strictly class draw expectations and heading for certain h. o. at Warner. Also sharing in up-swing is 'Five of a Kind' at Fulton on double bill with 'Swing That Cheer'. Showing with 'Swing That Cheer' is 'Fugitives for Night' (RKO) and 'Campus Confessions' (Par), split with 'Moto' (20th) and 'Breaking Ice' (RKO), total \$2,400.

Midwest (Stan) (1,500; 25-35-40)—'Arkansas Traveler' (Par). Nice at \$4,500. Last week, 'Sisters' (WB), good \$4,700.

State (Cable) (1,100; 20-25-40)—'Can't Take It' (Col) (4th week). Should take okay \$3,000. Last week, \$3,500.

Tower (Stan) (1,000; 25-35)—'Men Wings' (Par) (3rd week). Criterion. Should garner nice \$3,000. Last week, 'Suez' (20th) did satisfying \$2,700.

Wilshire (F-W-C) (2,298; 30-40-55-65)—'Around Corner' (20th) and 'Drums' (UA), dual. Biz around \$4,300 on moveover best in sight. Last week, 'Suez' (20th) solo on moveover, nifty \$7,100.

Yonkers (F-W-C) (2,298; 30-40-55-65)—'Around Corner' (20th) and 'Drums' (UA), dual. Biz around \$4,300 on moveover best in sight. Last week, 'Suez' (20th) solo on moveover, nifty \$7,100.

OMAHA'S UPBEAT

Post-Election Spurt—'Wings,' \$10,000;
'Rat,' \$5,500; 'Heart,' \$9,500

Omaha, Nov. 15.

Post-election upturn in business was reflected in theatre grosses which took a healthy spurt after two weeks. Three-day week ending starting with Armistice Day helped boost b. o. take with both first-run and suburban houses.

'Men with Wings' is putting the Omaha end in front, and the aviation cavalcade picture looks good for \$10,000 or better. 'Young in Heart' is warming Manager Bill Miskell's heart to the tune of a smooth \$9,500. 'Fugitives for Night' (RKO), first run, annual auto show at Ak-Sar-Ben Coliseum for week starting today (15) and one-night stop of U. S. Army Band at Auditorium, both sponsored by Omaha World-Herald.

Estimates for This Week

Avenue-Dundee-Military (Goldberg) (950-650-810; 10-25)—'4 Daughters' (FN) and 'Lucky Star' (20th), dual, split with 'Boys Town' (MG). Looks like \$2,600, excellent. Last week, 'Three on Weekend' (GB), first run, and 'Spawn' (Par), dual, split with 'Going Rich' (20th), first run, 'Tough Guy' (U) and 'Always Goodbye' (20th), tripler, \$2,200, good.

Brandels (Singer-RKO) (1,250; 10-25-40)—'Brother Rat' (FN) and 'Tandem Angel' (RKO), dual, aiming at \$5,500, daily. Last week, 'Miss Mantion' (RKO), and 'Disney Revue' (RKO), dual, \$5,400, very good.

Omaha (Blank) (2,000; 10-25-40)—'Men with Wings' (Par) and 'Campus Confessions' (Par), dual. Headed for \$10,000, terrific. Last week, 'Arkansas Traveler' (Par) and 'Freshman Year' (RKO), dual, ended nicely for \$7,200, good.

Orpheum (Blank) (3,000; 10-25-40)—'Young in Heart' (UA) and 'Vacation from Love' (MG), dual, looks like \$10,000, excellent. Last week, 'Lien Darling' (MG) and 'Sons of Legion' (Par), dual, \$9,200, very nice.

Paramount (Blank) (3,000; 10-25-40)—'Young in Heart' (UA) and 'Vacation from Love' (MG), dual, looks like \$10,000, excellent. Last week, 'Lien Darling' (MG) and 'Sons of Legion' (Par), dual, \$9,200, very nice.

Town (Goldberg) (1,250; 10-25-40)—'Painted Desert' (RKO), 10th Avenue. 'King' (Rep) and 'Blond Cheat' (RKO), first run, split with 'Drums of Destiny' (Cap), first run; 'Road Demon' (20th), first run, and 'Lucky Star' (20th), tripler. Looks like \$1,900, good. Last week, 'Prairie Moon' (RKO), first run, and 'Always Goodbye' (20th), tripler, split with 'Alexander' (20th) and 'Spawn' (Par), dual. Strong finish got \$1,800, swell.

COL'S POWER HOUSE

Hollywood, Nov. 15.

Charles Bickford gets the male lead in Columbia's 'Power to Burn', a Jack London story to be produced by Irving Briskin, starting next week.

Jean Parker has the femme lead.

'Stablemates' Okay at \$7,200, Mpls.,
'Suez' 7G Despite Gridiron Exodus

Key City Grosses

Estimated Total Gross

This Week.....\$1,668,300

(Based on 28 cities, 176 theatres, chiefly first runs, including N. Y.)

Total Gross Same Week

Last Year.....\$1,569,500

(Based on 23 cities, 161 theatres)

'WALTZ' LIVELY
14G IN PROV.;
REVIVALS

Providence, Nov. 15.

Main stands smiling again as fans turn to films for entertainment this week. High spots include Loew's 'Great Waltz' and holdover of 'You Can't Take It With You' at Strand after terrific first week. Albee revived 'All Quiet' and 'Magnificent Obsession' today (Tuesday) for three-day run.

Playhouse has dropped vaude for an indefinite period.

Estimates for This Week

Albee (RKO) (2,200; 25-35-50)—'All Quiet' (U) and 'Magnificent Obsession' (U). Opened today (Tuesday). Last week, 'Service Delivered' (U) and 'Dark Rapture' (U), good \$7,000.

Carlton (Fay-Loew)—'Certain Age' (U) and 'Mr. Wong' (MG) (2d run). Garnering swell \$6,000. Last week, 'Citadel' (MG) and 'Leathernecks' (Rep) (2d run), nice \$5,800.

Fay's (2,000; 25-35-40)—'Always Trouble' (20th) and vaude. Town's 'You Can't Take It With You' (Strand), peppy \$7,500. Last week, 'Time Murder' (20th) and vaude, \$6,800, okay.

Loew (Loew) (3,200; 25-35-50)—'Great Waltz' (MG) and 'Night Hawk' (Rep). Sprightly \$14,000. Last week, 'Dr. Kildare' (MG) and 'Flight Fame' (Col) plus Freddie Bartholomew on stage, swell \$16,500.

Majestic (Fay) (2,300; 25-35-50)—'Valley Giants' (WB) and 'Actress' (WB). Pushing through to swell \$9,500. Last week, 'Certain Age' (U) and 'Mr. Wong' (MG), good \$8,000.

Playhouse (Indie) (1,400; 20-35)—'Captivity in Nazi Germany' (Mal). Drawing fair \$4,000 and may be held. Last week, 'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

Strand (Indie) (2,200; 25-35-40)—'Can't Take It' (Col) (2d week). Proving strong in arm, with house expecting swell \$7,500. Last week, 'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

'Dr. Kildare' and 'My Heart,' Dual,
Healthy \$20,000

Brooklyn, Nov. 15.

'Young Dr. Kildare' and 'There Goes My Heart' are Loew's Metro politan, ahead of all others in downtown sector this stanza. Several holdovers also making some dough, including 'I Was King' and 'Wanted by Police'. Paramount's 'Suez' and 'Mr. Doodle Kicks Off' at Albee.

Strand happy with vaude and 'Road to Reno'.

Estimates for This Week

Albee (3,274; 25-35-50)—'Suez' (20th) and 'Mr. Doodle' (RKO) (2d week). Still going strong and will pull in neat \$14,000. Last week, excellent \$19,000.

Fox (4,089; 25-50)—'Sisters' (WB) and 'Big Top' (Mono) (2d week). Pleasant stop at \$15,000. Last week, good \$17,500.

Met (3,618; 25-50)—'Dr. Kildare' (MG) and 'My Heart' (UA). Money-making team will bring in fine \$20,000. Last week, 'Stablemates' (MG) and 'Last Express' (U), swell \$19,000.

Paramount (4,126; 25-35-50)—'If King' (Par) and 'Wanted Police' (Mono) (2d week). Good \$18,000. Last week, swell \$24,000.

Strand (2,370; 25-35)—'Road Reno' (U) and vaude featuring Three Sailors. Swell \$12,500. Last week, 'Touchdown Army' (Par) and vaude, bright \$12,000.

Tests for 'Rains'

Hollywood, Nov. 15.

Lynn Bari is taking screen tests for the femme lead in 'The Rains Came', a top-budget picture at 20th-Fox.

Marlene Dietrich and Kay Francis—were once considered for the role. Miss Bari has worked in 10 films since her debut last January.

With 70,000 at South Bend to see the Minnesota-Notre Dame football game, road again was partly depleted of many potential theatre customers. For the second weekend running, the theatre business within a fortnight and current grosses will reflect the Saturday-Sunday drop. Strong lineup of pictures—many newcomers with one exception—a very much on the asset side, however, and is tending to offset the initial adverse influence.

The Rooney-Wallace Beery combination in 'Stablemates' has the Orpheum circuit in a lull, ahead of the heavily exploited 'Suez' State offering. The latter, however, is not out of the running for leadership. After two good weeks—one each at the Orpheum and at the 'Certain Age' has made its third loop move, going into the sure-seller World for an extension of its first run.

Now that the election is over and the public at large is recovering from the blow dealt to its pocketbook by the mid-year real estate tax payments, boxoffice prospects are looking up once more.

Estimates for This Week

Aster (Par-Singer) (900; 15-25)—'Sons of Legion' (Par) and 'Swing That Cheer' (U). Dual first runs. Last week, 'Suez' (20th), good \$3,500. Last week, 'Girls' School' (Col) and 'Mr. Doodle' (RKO), dual first runs for six days, \$1,600, good.

Century (Par-Singer) (1,600; 25-35-40)—'Four Crowded' (WB). Pleasing enough picture, but Flynn-de Havilland team no great b.o.; stretching toward mild \$4,000. Last week, 'Certain Age' (U) (2d week), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

Gopher (Par-Singer) (998; 25)—'Youth Takes Fling' (U). Nifty show for this particular house, the new one, and probably a heavyweight in town, traveling at fast \$2,800 clip. Last week, 'Campus Confessions' (Par), \$2,700, good.

Orpheum (Par-Singer) (2,800; 25-35-40)—'Stablemates' (MG). No getting away from that Mickey Rooney b.o. drag, and teaming him up with Wallace Beery in this pleasing picture spells draw; en route to \$7,000. Last week, 'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

State (Par-Singer) (2,300; 25-35-40)—'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

Uptown (Par) (1,200; 25-35)—'Three Loves Has Nancy' (MG). First neighborhood showing, likely to hit pretty good \$2,700. Last week, 'Lucky Star' (20th), good \$3,500.

World (Stetson) (350; 25-35-40-55)—'Certain Age' (U) (3d week). Moved here for extension of first-run. Good in prospect, valet left, big \$2,000 in prospect. Last week, 'Dark Eyes' (French), \$600, bad.

'Suez' Good 6G in Port;
Fair \$5,500 for 'Waltz'

Portland, Ore., Nov. 15.

Strong response for 'Suez' at the Paramount, while 'The Great Waltz' at 'Park' is doing well. 'Suez' and 'Waltz' collected raises, but 'Suez' is a natural answer to advance bally. 'You Can't Take It With You' is going on forever at the Mayfair and may hit under Christmas.

Estimates for This Week

Broadway (Parker) (2,000; 30-35-40)—'Great Waltz' (MG) and 'Youth Takes Fling' (U). Collecting waives and (WB) average \$5,500. Last week, 'My Heart' (UA) and 'Personal Secretary' (U), so-so \$4,700.

Mayfair (Parker-Evergreen) (1,500; 30-35-40)—'Can't Take It' (Col) (5th wk). Still doing good biz, around \$3,300. Fourth week, \$3,500. First three weeks grossed big \$16,000.

Paramount (Hamrick-Evergreen) (1,800; 30-35-40)—'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

Paramount (Hamrick-Evergreen) (1,800; 30-35-40)—'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500. Last week, 'Suez' (20th), good \$3,500.

Revival (Indie) (1,100; 20-25)—'King Kong' (U) and 'Bring Em Back Alive' (RKO). Revival of action thrillers putting this house over for good \$1,900. Last week, 'Seven Seas' (MG) and 'Bar Twenty Justice' (Mono), average \$1,700.

United Artists (F-W-C) (1,000; 30-35-40)—'Citadel' (MG) and 'Listen Darling' (MG). Fair \$4,700. Last week, 'Brother Rat' (FN) and 'Vacation Love' (MG), average \$5,200.

Frankie Masters Hypes 'Suez' 2d Week to \$32,000; Chi Generally OK, Gypsy Lee-'Service' Good 22G

Chicago, Nov. 15. Armistice Day got the picture theaters off to a flying getaway, and, with strong, weekend trade, the general tone of the registers is healthy.

On Friday (18) the loop will have the Oriental back in the entertainment field, the house opening under Jones, Linick & Schaefer operation on a vaudeville policy at 50c top. With the opening of the Oriental, the State-Lake folds, to be redecorated and then reopened Xmas Day under Balaban & Katz banner.

Considering the mild word-of-mouth on 'Suez,' the flicker is doing well on its holdover session in the Chicago. Much of its strength currently can be accounted to the presence of the Frankie Masters orchestra on the stage. Masters has been a strong fave around here for many years, and on his recent radio tie-up his following is larger than ever.

Strikingly good trade for 'Citadel' is marked because of the pre-opening indications that the flicker wouldn't be anything to hot. And on the same basis 'Brother Rat' is a disappointment in the Roosevelt because of the early high hopes for the comedy. 'Rat' will scam later this week, to be replaced by 'Submarine Patrol'.

Gypsy Rose Lee is getting coin in the Palace and is holding that house to a good profit-making session.

Estimates for This Week

Apollo (B&K) (1,200; 35-55-65-75)—'Sisters' (WB). Repeater in loop looks for \$5,500, okay. Last week 'Were King' (Par) managed fair \$4,800 for second week.

Chicago (B&K) (4,000; 35-55-75)—'Suez' (20th) (2d week) and Frankie Masters orchestra on stage. Spotting of bands for picture's holdover session a good move, with the register clicking to good \$32,000. Last week 'Suez' snagged fine \$24,500.

Garrison (B&K) (900; 35-55-65)—'Dark Rapture' (UA) and 'This Out' (20th). Goona-goona aspects on first-named picture is the real b.o. item currently and should haul the take to big \$6,000. Last week 'Moon' (WB) and 'Girls on Probation' (WB) somewhat below expectations at \$5,000.

Palace (RKO) (2,500; 35-55-65-75)—'Service de Luxe' (U) and 'Gypsy Rose Lee' unit on stage. Flesh getting the long green at \$22,000, very satisfying. Last week, 'Miss Manton' (RKO), faded in midweek to meek \$15,400.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Brother Rat' (WB) (2d final week). Goes out this week after a rather disappointing fortnight, maybe \$7,500, mediocre, after sluggish \$12,000 last week. 'Submarine Patrol' (20th) next.

State-Lake (Jones) (2,700; 25-35-45-55)—'Brother Rat' (WB) and 'Service de Luxe' (U) and 'This Out' (20th). Final week for the house, which shutters to Christmas Day for B.K. takeover. Windup going to prime take of \$12,500. Election week 'Smashing Rackets' (Col) a winner here at \$12,200.

United Artists (B&K-UA) (1,700; 35-55-65-75)—'Citadel' (MG) and 'Dark Rapture' (UA) and 'This Out' (20th) for a highly happy figure and will hold to \$10,000, fine, currently. 'Great Waltz' (MG) slated to follow.

OLSEN ORCH-TEMPLE PACE INDPLS, \$11,300

Indianapolis, Nov. 15. George Olsen's orch. aided substantially by 'Just Around the Corner,' is putting the vaudeville lyric into the lead among the downtown houses currently, but business generally is not quite as bright as it was prior to the week-end.

'If I Were King' and 'You Take a Fling,' dual at Indiana, is a bit off from recent weeks but best among the straight-film bills, while Loew's is not far behind with moderate take on 'There Goes My Heart' and 'Juvenile Court.'

Estimates for This Week
Apollo (Katz-Dolan) (1,100; 25-30-40)—'Men Wings' (Par). Moved from Indiana for second week's run. Nothing extra at \$3,000. Last week, 'Suez' (20th), in move-over session from Indiana, finished at \$3,100, so-so.

Circle (Katz-Dolan) (2,800; 25-30-40)—'Thanks Memory' (Par) and 'Illegal Traffic' (Par). Former pic given all the attention in area. Take just fair at \$4,800. Last week, 'Service de Luxe' (U) and 'King Alcatraz' (Par), \$4,500, light.

Indiana (Katz-Dolan) (3,100; 25-30-40)—'If I Were King' (Par) and 'You Take a Fling' (Par). Last week, 'Men Wings' (Par) started very high and then tapered off to \$7,500, good. Loew's (Loew's) (2,400; 25-30-40)—'My Heart' (UA) and 'Juvenile

Court' (Col). Former pic given big edge in campaign, but results are only fairly good at \$6,000. Last week, 'Great Waltz' (MG) and 'Flight Fame' (Col), satisfactory \$6,000.

Lyric (Olson) (1,900; 25-30-40)—'Around Corner' (20th) and George Olsen's band on stage. Latter given top billing over picture, but Temple film bolstering biz just the same. Results will be fine at \$11,300. Last week, 'Hard Get' (WB) and Count Berni Vici's revue on stage, \$9,200, fair.

DET. H.O.S. HOLD DOWN B.O.S; 'RAT' 17G

Detroit, Nov. 15. Only one house, Michigan, has entirely new fare, others harboring holdovers. Result is general stagnation at the boxoffice.

'You Can't Take It With You' plus stage show, in h.o. at Fox after hotcha first sesh, continues strong. 'Suez,' coupled with a new flicker, will complete third down town stance at the Adams to nice profit.

Estimates for This Week

Adams (Balaban) (1,700; 30-40)—'Suez' (20th) (2d wk) (2d run) plus 'Lady Objects' (Col). After clipping off fifty \$3,300 last week, coupled with 'Meet the Girls' (20th), following big sesh at the Fox previous stanza, 'Suez' continues for good \$4,700 currently.

Fox (Indie) (5,000; 30-40-65)—'Can't Take It' (Col) (2d wk) plus stage show. Will get okay \$16,000 currently after six days \$22,500. **Michigan (United Detroit) (4,000; 30-40-65)**—'Brother Rat' (WB) and 'Young Dr. Kildare' (M-G). Figures to get about \$17,000. Last week, 'Stablemates' (M-G) and 'Carey's Chickens' (RKO), okay \$9,300.

Falm's State (United Detroit) (3,000; 30-40-65)—'Stablemates' (M-G) (2d run) plus 'Sons Legion' (Par). Rooney-Beery opus moved here from Michigan; likely to hit around \$5,000, fair. Last week, 'Men Wings' (Par) (2d run) and 'You Born' (WB), good \$5,600.

United Artists (United Detroit) (2,000; 30-40-50)—'Great Waltz' (MG) (2d wk). Will get only fair \$3,600 following disappointing \$7,200 first session.

Town' Big 9G in Mont' Despite Ban on Javes

Montreal, Nov. 15. 'Boys Town,' at Capitol, will easily top everything in town at very good \$9,000. Hope of lifting ban on minors under 16 for this film, which would have jacked up gross to probable \$12,000, didn't materialize.

Estimates for This Week

Palace (CT) (2,700; 25-45-55)—'Can't Take It' (Col) (3d wk). Still getting nice play and should collect good \$5,000 after very good second week at \$7,500.

Capitol (CT) (2,700; 25-45-55)—'Boys Town' (M-G). Looks like swell \$9,000. Last week, dual of 'Room Service' (RKO) and 'Missing Guest' (U), good \$7,500.

Loew's (CT) (2,800; 25-34-40)—'Rio Grande' (Mono) and vaude. Up a little at \$5,500, fair. Last week, n.s.g. at \$5,000 for 'Vacation Love' (MG) at vaude.

Princess (WB) (2,300; 25-34-50)—'Giants' (WB) and 'Accidents Happen' (WB). Won't see better than \$3,500, so-so. Last week, 'Four's Company' (WB) and 'Torchy Blane' (WB), over average \$4,500.

Orpheum (Ind) (1,100; 25-40-50)—'Young Heart' (UA) and 'Touchdown Army' (Par). dual. Shaping for excellent \$4,500. Last week, 'You Fling' (U) and 'Lady Morgue' (U), poor \$1,500.

Cinema de Paris (France-Film) (800; 25-30)—'Adrienne Lecouvreur' (2d wk). Should click for good \$1,800 after very nice \$2,400 last week.

St. Denis (France-Film) (2,300; 20-34)—'Les Nuits Blanches de Petersburg' and 'Une de la Cavalerie,' dual. Around average, \$4,500. Last week, 'L'Alibi' and 'Ca c'est du Sport,' so-so, \$3,800.

First Runs on Broadway

(Subject to Change)
Week of Nov. 17

Capitol—'The Citadel' (MG) (3d wk).

Criterion—'Illegal Traffic' (Par).

Globe—'Mr. Wong, Detective' (Mono) (19).

Musio Hall—'60 Glorious Years' (RKO).

Paramount—'Arkansas Traveler' (Par) (16).

(Reviewed in Variety, Oct. 5)

Rialto—'The Tarnished Angel' (RKO) (14).

(Reviewed in Current Issue)

Rivoli—'Little Tough Guys in Society' (U) (19).

Roxy—'Submarine Patrol' (20th).

(Reviewed in Variety, Nov. 2)

Strand—'Brother Rat' (WB) (3d wk).

Week of Nov. 24

Astor—'Pygmalion' (MGM) (22).

Capitol—'The Great Waltz' (MG).

(Reviewed in Variety, Nov. 2)

Criterion—'Listen Darling' (MG).

(Reviewed in Variety, Oct. 19)

Globe—'Crime Takes a Holiday' (U) (25).

Musio Hall—'Cowboy and the Lady' (UA).

(Reviewed in Variety, Nov. 9)

Paramount—'Arkansas Traveler' (Par) (2d wk).

Rialto—'Exposed' (U) (21).

Rivoli—'Little Tough Guys in Society' (U) (2d wk).

Roxy—'Submarine Patrol' (20th) (2d wk).

Strand—'Angels with Dirty Faces' (WB).

(Reviewed in Variety, Oct. 25)

'SIS' VIGOROUS \$10,000 IN BUFF.

Buffalo, Nov. 15.

Grosses at the Buffalo, Lakes and Lafayette are in the top drawer again.

'Suez,' at Buffalo, is following last week's banner business closely. 'Sisters' is at the Lakes and the Lafayette with a routine dual bill, is registering strong.

Estimates for This Week

Buffalo (Shea) (3,500; 30-35-55)—'Suez' (20th). Pace is slightly under that of last week, but looks headed for very good \$17,500. Last week 'Listen Darling' (M-G) and Chick Webb orch, topnotch \$18,500.

Century (Shea) (2,000; 25-35)—'Garden Moon' (WB) and 'Girls Probation' (WB). Moving at fast gait to around \$7,000. Last week, 'Tilleg Traffic' (Par) and 'Sons Legion' (Par), poor, \$5,400.

Great Lakes (Shea) (3,000; 30-50)—'Sisters' (WB). Showing genuine vigor and should reach better than good \$10,000. Last week, 'Men Wings' (Par) (2nd wk), five days for this holdover, only so-so \$5,000.

Hipp (Shea) (2,100; 25-40)—'Around Corner' (20th), Medium \$6,500. Last week, 'Miss Manton' (RKO) and 'Meet Girls' (20th), average \$6,700.

Lafayette (Ind.) (3,000; 25-35)—'Girls School' (Col) and 'Under Suspicion' (MG). Fast going for this should reach nice \$8,000. Last week, 'You Fling' (U) and 'Missing Guest' (U), neat \$8,000.

Rooney-Beery-'Reno' Happy \$22,000

In Frisco, but Temple Light \$12,000

San Francisco, Nov. 15.

Mickey Rooney and Wallace Beery in 'Stablemates' are making the turnstiles at the Fox turn a merry clip. Team is plenty hot stuff locally.

'Stablemates' is being double-billed with Universal's 'Road to Reno.' Both latter and 'The Storm,' which is going great at the Golden Gate, were sold down the river when the Orpheum got into a booking jam on pressure of dates for Universal product.

Estimates for This Week

Fox (F-WC) (5,000; 35-55-75)—'Stablemates' (M-G) and 'Road Reno' (U). Hope Hampton being played down in 'Reno.' Her last appearance here in opera was not too successful. Fair \$22,000 in prospect for the Fox this week. Last week (2nd), 'Men Wings' (Par), so-so \$10,000.

Golden Gate (RKO) (2,850; 35-55)—'Storm' (U) and vaude. Cliff Work brought up face of the east of 'Storm' for p. opening day. Nan Grey, Barton MacLane, Frank Jenks and Tom Brown taking bows. Fine take of \$20,000 can be credited to smart exploitation. Last week Miss

Armistice, Auto Show, Grid Crowds Up B'way H.O.s; Young Heart' \$75,000, 'Age 43G,' 'Citadel' 32G, All 2d Weeks

Armistice Day, football crowds over the weekend and the auto show are contributing to current firmness of grosses in most of the film emporiums on Broadway this week. Matinees were heavy Friday (11) with kids out of school that day; night business also good.

Numerous holdovers are all doing satisfactorily but no picture of lesser grade, are either poor or just fair. Worst of the fresh crop is 'Hard to Get,' another for the Rivoli that gives the house a headache. Indications are that the week's business won't be \$8,000. 'Vacation From Love' may not go over \$5,500 at the Criterion, also poor, while 'Tarnished Angel' and 'This Out' are duals. This combo looks to add \$9,500/okay. Last week's team, 'Room Service' (RKO) (2d run), and 'Always in Trouble' (20th) (1st run), \$7,800.

Palace (1,700; 25-35-55)—'Suez' (20th) and 'This Out' (20th), duals. This combo looks to add \$9,500/okay. Last week's team, 'Room Service' (RKO) (2d run), and 'Always in Trouble' (20th) (1st run), \$7,800.

Paramount (3,664; 25-35-55-65-99)—'Arkansas Traveler' (Par) and, in person, Larry Clinton band, Frank Libuse and Eleanor Whitney, open today (Wed.). Third (final) week of 'Men With Wings' (Par) and Mark Warnow, Raymond Scott, others, \$25,000, all right, following weeks of \$35,000 and \$47,000 for very good profit.

Radio City Music Hall (9,980; 40-60-84-99-165)—'Young in Heart' (UA) and stage show (2d final week). Benefiting from word-of-mouth on holdover for about \$75,000, okay, after first seven days of \$64,000. '60 Glorious Years' (RKO) opens tomorrow (Thurs.).

Rialto (750; 25-40-55)—'Tarnished Angel' (RKO). Started moderately Monday (14) but may top \$6,000 on week, fair. In ahead, 'Mars Attacks Worlds' (20th).

Rivoli (2,092; 25-40-55-75)—'Hard to Get' (WB). No dice, under \$8,000. Better product is required here in view of policy and price. Last week, 'Man of Tomorrow' (RKO) withered, under \$6,000.

Roxy (5,838; 25-40-55-75)—'Certain Age' (20th) and stage show (2d final week). Could go third but for contractual interference. Last week, very good (current) of \$43,000, very good. First leg was \$56,500, excellent.

Strand (2,767; 25-55-75)—'Brother Rat' (WB) and 'This Out' (20th), dual. Herbert, others (2d week). Stout b.o. show and looks \$30,000 or over, very good. First seven days was \$41,000, second best week done here under policy. Goes out week with Herbert, who has to go back to Hollywood, replaced by Jane Bryant.

State (3,450; 35-55-75)—'Kildare' (Par) (2d run) (1st week) and Milton Berle (2d week). Holdover of Berle with 'Kildare' brought in Thursday (10) accounting for combined draught that means around \$30,000, very nice. You can't Take It' (Col) (2d run) and Berle last week, \$35,000, spiffy.

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NEW YORK • HOLLYWOOD • CHICAGO • LONDON

Autry-Manton' OK \$15,000 as G.O.P. Coin Helps Cleve.; 'Waltz Sweet 14G

Cleveland, Nov. 15. Republican money thrown into auto-parts factories has caused Clevelanders to erupt in jubilation, and the city is now spending more than twice in the last year on new spending of the year's new coin at the box-offices.

But, however, still aren't big enough for November, complain exhibitors, who are crying for colder weather and looking for a top-winter. Threatened snow storms came only one day last week, but turned into disappointingly light rain that kept customers away.

Palace is cashing in on Gene Autry. In person with 'Mad Miss Manton,' starting a new 'In Person'-vaude policy, but won't get very rich on circus ballyhoo pushing up trade to a point where an okay \$15,000 is in sight. Without any flesh, State is closely crowding next door RKO, neighbor with its 'Great Waltz,' catching sweet \$14,000. 'Brother Rat' at Hipp, is marching along briskly.

Estimates for This Week
Allen (RKO) (3,300; 30-35-42-55)—'Man Remember' (RKO). Great notices but no great marquee strength; \$4,500, normal. Last week, 'Five Kind' (20th), poor \$3,200.

Circle (Marmostrom) (1,900; 15-35)—'King Alcatraz' (Par) and 'Mr. Doodle' (RKO). Going back to dualled first-runners, spot's first fall bill has satisfactory pull, worth \$3,500. Last week, 'Campanella' (20th), \$2,800, fair.

'Speed Burn' (20th), \$2,800, fair. Hipp (Warners) (3,700; 30-35-42-55)—'Brother Rat' (WB). Got awkward Wednesday opening, due to howled shifts yet caught on immediately and building bright \$13,000 in eight days. Last week, 'Suez' (20th), with a hold-over making eleven days in all, dropped off at end; \$16,000 still fine.

State (Loews) (3,450; 30-35-42-55)—'Miss Manton,' with Gene Autry topping vaude unit. So many policy changes here that natives are a bit wary of new 'In Person' sign. Autry show clicking, however, and with Stanwyck on screen he might do better than okay \$15,000. Last week, 'Hard Cel' (WB), weak \$7,000, with lusty house can't get by on straight pix.

State (Loews) (3,450; 30-35-42-55)—'Great Waltz' (M-G). Smart \$14,000. Last week, 'Citadel' (M-G), was a tonic at \$15,500.

Stillman (Loews) (1,972; 30-35-42-55)—'Citadel' (M-G). Shift from State earning nice \$6,000. Last week, 'Men Wings' (Par), on h.o., pleasant \$5,000.

Rooney-Beery Big 9G In Seattle; 'Citadel' 7G

Seattle, Nov. 15. Wintery weather has put stop to outdoor amusements with exception of football. Theaters are prospering. Business continues fairly good, but not quite up to the surge that followed introduction of the fall first season and the movie quiz contest.

Advertising budgets are being held down at this time.

Estimates for This Week
Blue Mouse (Hamrick-Evergreen) (850; 32-37-42)—'Brother Rat' (FN) and 'Personal Secretary' (U). Move-over from Orpheum indicates big \$2,800 in six days. Last week, 'Certain Age' (U) and 'Campus Confessions' (Par), third week, six days, okay \$2,200.

Coliseum (Hamrick-Evergreen) (1,900; 21-32)—'Has Nuts' (M-G) and 'Keep Smiling' (20th). In for five days, to get back to regular change date; expect \$2,300, okay. Last week, 'Lucky Star' (20th) and 'Speed Burn' (20th), fair \$2,600.

Colonial (Sterling) (800; 10-21)—'Blonde Cheat' (RKO) and 'Gun Law' (RKO), split with 'King Sierras' (GN) and 'Men Steal' (Col). Expect \$2,000, fair. Last week, 'Colorado Trail' (Col) and 'Convicted' (U), split with 'Wives Suspicion' (U) and 'TFT' (Rep), \$1,800, slow.

Fifth Avenue (Hamrick-Evergreen) (2,349; 32-37-42)—'Stablemates' (M-G) and 'Touchdown' (Par). Heading for great \$9,000; will h.o. 'Great Waltz' (M-G) and 'Vacation Love' (M-G), \$8,900, good.

'Liberty' (J-VH) (1,800; 21-32-42)—'Can't Take It' (Col). Fair. Expecting for expected \$4,000, good. Last week, same film, \$5,500, big.

Muscle Box (Hamrick-Evergreen) (850; 32-37-42)—'Great Waltz' (M-G). Moved from Fifth Avenue; fair \$3,400. Last week, 'Men Wings' (Par), fair \$2,300 in second week.

Orpheum (Hamrick-Evergreen) (2,600; 32-37-42)—'Citadel' (M-G) and 'Listen Darling' (M-G). Expecting big \$6,800 and will hold. Last week, 'Brother Rat' (FN) and 'Personal Secretary' (U), big \$7,000.

Palomar (Hamrick-Evergreen)

(1,350; 16-37-42)—'Fugitives Night' (RKO) and 'Shadows Shanghai' (GN), plus vaude. Vaude main reason for great \$6,000. Last week, 'Always Trouble' (20th) and 'Desperate Adventure' (Rep), plus vaude, \$4,600.

Paramount (Hamrick-Evergreen) (3,039; 32-37-42)—'Suez' (20th) (2d wk), six days. Fair \$3,800. Last week, same film, big \$3,300.

Roosevelt (Sterling) (800; 21-32)—'Crowd Roars' (M-G) and 'Texans' (Par). Expect good \$2,400. Last week, 'Am Law' (Col) and 'Boy Meets Girl' (WB), good \$2,200.

TED LEWIS UPS BOB BURNS TO NICE 19G, D. C.

Washington, Nov. 15.

Ted Lewis' band and 'Arkansas Traveler,' are leading town this week, with high-hat tragedian of jazz getting the credit. Same pic bowed day and date for three-day run at Ambassador, swank WB nabe, and is doing only fair. 'If I Were King,' at Lee Loew's 'straight pic spot,' and 'Submarine Patrol'—Harriet Hooten, at Loew's vaude house, battling it out for second honors.

Everybody took drop at end of last week, due partly to spurt of balmy sunshine and partly to weak word-of-mouth on celluloid. Interesting angle on Keith's 'Frankenstein-Dracula' combat revival was fact that it collected enough in first four days to completely offset nosedive during last three.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40-66)—'Submarine Patrol' (20th) and vaude. Harriet Hooten-Gil Lamb heading show, with pic getting nice reviews, but lack of marquee draw will keep week to so-so \$17,000. Last week, 'Around Corner' (20th) and 'Bowes' ams, slid to disappointing \$17,500.

Columbia (Loew) (1,243; 25-40)—'Stablemates' (M-G) (2d run). Back on main stem after good week at Capitol and should see solid \$5,000. Last week, 'Hot Handle' (M-G) (2d run), same figure.

Earle (WB) (2,216; 25-35-40-66)—'Arkansas Traveler' (Par) and Ted Lewis' band. The credit for most of nice \$19,000. Last week, 'Men Wings' (Par), passable \$15,500.

Keith's (RKO) (1,830; 35-55)—'Miss Manton' (RKO). Satisfactory \$8,500. Last week, 'Frankenstein' (U) and 'Dracula' (U) slipped last three days, but wound up with big \$12,000.

Met (WB) (1,600; 25-40)—'Brother Rat' (WB). Back to regular change date after big stay at Earle and shooting at big \$6,500. Last week, 'Touchdown Army' (Par), oke \$4,500.

Palace (Loew) (2,242; 35-55)—'If I Were King' (Par). Straight pic spots with average \$16,500. Last week, 'Suez' (20th) (2d wk), good \$9,000.

Balto Has Okay B.O.; Heidt and 'Annabel' Very Nice at \$16,000

Baltimore, Nov. 15. Good going here in spite of continued unseasonably mild weather. Hipp, with Horace Heidt on stage coupled to 'Annabel Takes a Train' (20th), is leading the parade in good style after chalking up a socko weekend gross.

Close fight for second niche between 'Heidt and Annabel' and 'The more consistent play. Estimates for This Week
Century (Loew's) (U) (3,000; 25-35-40-66)—'Annabel' (RKO). Getting a steady play to \$14,500. Day-time trade helping. Last week, 'Gretz' (WB) (M-G), fairish \$10,200.

Weekly musical stage flash headed by D'Artois, mingled added feature, but no added b.o.

Hippodrome (Rappaport) (2,205; 15-25-35-40-55-66)—'Annabel' (RKO) plus Horace Heidt's orch. Plenty of strong \$16,000 after extra shows over weekend. Last week, 'Service De Luxe' (U) and vaude headed by Bill Royle, \$14,900.

Keith's (Schamberger) (2,460; 15-25-35-40-55)—'Dracula' (U) and 'Frankenstein' (U) (2d wk). Holding fairly well and stretching to week. 'King Par' slated to follow. Will chalk up fair \$6,000 after a surprisingly strong opener to \$12,000. New (Mechanic) (1,558; 15-25-35-55)—'Submarine Patrol' (20th). Good

critical attention and some mild interest to \$4,500. Last week, 'Suez' (20th), completed second session to \$3,300, later initial pic to \$4,500. Stanley (WB) (3,240; 15-25-35-40-55)—'Men Wings' (Par). Strong juve interest and indicates big \$14,000. Last week, second of 'Brother Rat' (WB) added \$7,600 to initial mark of \$14,500.

KEMP-DEMON BIG 15G IN K. C.

Kansas City, Nov. 15. Vaude at the Tower heads the list of attractions this week, with a gross in the top bracket for the first time in couple of months. Hal Kemp's orch comprises most of the show, and is repeating the previous successes of name bands here. 'Road Demon,' the screen fare, is strictly a programmer.

In the line of straight films, 'There Goes My Heart,' at Midland, is showing substantial, though not unusual, returns. Shirley Temple, playing day and date in the Esquire and Uptown, is holding her own satisfactorily.

Rain, followed by snow, over week-end cut into grosses, but weather resumed its mildness quickly.

Estimates for This Week
Esquire and Uptown (Fox Mid-west) (820; 1,200; 10-25-40)—'Around Corner' (20th). Day and date in both houses with 'Wendell' (20th). Netting combined total \$8,000. Seven days, good. Last week was cut to five days for 'Suez' (20th) in second week. Combined \$4,800 fair enough to make \$10,000.

Midland (Loew's) (3,573; 10-25-40)—'My Heart' (U) and 'Little Adventures' (Col). March-Brace names responsible for big here. Week's total headed toward \$10,000 improvement over past several weeks. Last week 'Great Waltz' (M-G) and 'Crime Holiday' (Col), \$7,500, poorest here in some time.

Newman (Paramount) (1,900; 10-25-40)—'King' (Par) (2d wk). Holding acceptable pace, \$6,000, good. Last week \$10,000, tops here.

Orpheum (Loew's) (1,500; 25-40-55)—'Gangster's Boy' (Mono). Cooper name revealing some unexpected strength, and big pleasing at \$5,500. Last week, 'Frankenstein' (U) and 'Daughter Dracula' (U), reissues, okay \$5,000.

Tower (Fox-Midwest) (2,050; 10-25-35-55)—'Road Demon' (20th) and 'Hal Kemp's orch on stage. Reception for this combo strong and credited to flesh; \$15,000 in sight, best in several weeks. Last week, 'Road Reno' (U) and Gypsy Rose Lee unit, nice \$12,500.

Grid Mod Helps Lincoln B.O.s; 'Rat' Good \$3,600

Lincoln, Nov. 14. Week end found town mobbed by football fans, who turned out for the Nebraska-Pittsburgh grid game, and all films started well, emphasis being on 'Brother Rat,' at Varsity, and 'Men with Wings,' at Stuart.

Biz tone is better than it has been for a couple of weeks. Orpheum is still hitch-hiking; supposed to have closed (9), but still booking films. Vaude is promised for Jan. 1, when and if the Orph is improved, Howard Federer signed Roy Rodgers, Republic's cowboy star, for a one-day appearance (20) at the Colonial, which is the only flesh try so far.

Estimates for This Week
Colonial (NTI-Noble-Monroe) (750; 10-15)—'Songs and Ballads' (Spec) and 'Leathernecks' (Rep), split with 'Arizona' (Col) and 'Fury Below' (Cap). Looks okay, \$1,000. Last week, 'Married Spy' (GN) and 'Durango Raiders' (20th), \$1,000.

Court (Col) and 'Colorado Trail' (Col), all right, \$900.

Kiva (NTI-Noble) (440; 10-25-35)—'Am Law' (Col) and 'Man Who Could Work Miracles' (GB). Both on Mars angle, but slow \$700. Last week, 'Hoosier Schoolboy' (Mono) added to h.o. of 'Garden Moon' (WB), n.g. (LTC-Cooper) (1,200; 10-15)—'Torchy Gets Man' (WB) and 'Hitting High' (RKO), split with 'From City' (RKO) and 'Condemned Women' (RKO). Good \$1,000. Last week, 'Blonde Cheat' (RKO) and 'Raw Timber' (Cres), split with 'Mysterious Rider' (Par) and 'Numbered Woman' (Mono), okay \$900.

Lincoln (LTC-Cooper) (1,600; 10-25-35)—'Woman Against Woman' and 'Nancy' (M-G). Nice \$3,400. Last week, 'Arkansas' (Par) and 'Touchdown' (Par), very nice \$3,200.

Orpheum (LTC-Cooper) (1,500; 10-25-35)—'Mars Attacks' (U) and 'King Alcatraz' (Par), split. Fair \$900. Last week, 'Vacation Love' (M-G), split with 'Smashing Rackets' (RKO), fair \$900.

Stuart (LTC-Cooper) (1,900; 10-25-

Philly Biz Blah Despite Ballys; 'Waltz' Glides, 17G, 'Gladiator'-Dorsey 20½G

Philadelphia, Nov. 15. Despite a well-ballyhooed lineup of pix in the de lusers this sesh, Philly grosses aren't much to get excited about at present. Things are pretty spotty within a small range, and even the most heavily-touted films are scarcely showing signs of having merited the heavy bally campaign handed on them. Two h.o.'s also are holding down the aggregate gross.

Most talked up flick to reach Philly recently, 'The Boy at the Boy,' is doing \$17,000. That's fairly solid, but far from sensational considering. Pretty certain, however, of another lap around. Downright disappointing on the other hand, is 'Men with Wings,' at the Stanley, which likewise had the flacks working overtime. It's being pulled to day with only \$6,600 piled up for five days of second week. Opening week was mediocre at \$15,200. Vaude-film Earle again has top gross, with 'Gladiator' on screen and Jimmy Dorsey and his orchestra, with 'Smashing Rackets' (RKO), getting \$20,500, only so-so as a figure, but profitable considering the net.

ROONEY-BEERY SOCK \$36,500, 2 HUB SPOTS

Boston, Nov. 15.

'Stablemates' on a double bill is packing 'em in at Loew's State and Orpheum, taking top money. 'Suez,' at Met, and 'Mad Miss Manton,' at Keith's, are running close for second place.

'Brother Rat' and 'Five of Kind,' dualled, won a holdover at the Par and Fenway.

Estimates for This Week
Fenway (M&P) (1,332; 25-35-40-55)—'Brother Rat' (WB) and 'Five of Kind' (20th). Aiming at good \$7,000. First week very good \$10,500.

Keith Memorial (RKO) (2,807; 25-35-40-55)—'Miss Manton' (RKO) and 'Man Remember' (RKO). Good combo drawing nifty \$17,000. Last week 'Service De Luxe' (U) and 'Storm' (U), \$12,000, so-so.

Metropolitan (M&P) (4,387; 25-35-40-55)—'Suez' (20th) and 'Torchy Man' (WB). Launched with smash studio newspaper campaign; aiming at good \$18,500. Last week, 'Men Wings' (Par) and 'Road Demon' (20th), \$13,000, okay.

Orpheum (Loew's) (2,205; 25-40-55)—'Stablemates' (M-G) and 'Listen Darling' (M-G). Smashing to \$20,000. Last week 'Can't Take It' (Col) and 'Vacation Love' (M-G) (2d wk), okay \$14,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Brother Rat' (WB) and 'Five Kind' (20th) (2d wk). Headed toward okay \$9,500. Last week very good \$12,500.

Scollay (M&P) (2,538; 25-35-40-50)—'Men Wings' (Par) (2d run) and 'Signs of the Times' (Rep). Good \$7,000. Last week 'If King' (Par) and 'Moto' (20th), fair \$5,800.

State (Loew's) (3,800; 25-35-40-55)—'Stablemates' (M-G) and 'Listen Darling' (M-G). Sweeping to nifty \$16,500. Last week 'Can't Take It' (Col) and 'Vacation Love' (M-G) (2d wk), dandy \$11,500.

'Men with Wings' Not So Fancy \$10,000 In Generally NSG Cincy

Cincinnati, Nov. 15. It's one of those weeks for major pic parlors, h.o. figures by and large being on the negative side.

Pacer is 'There Goes My Heart,' an okay thumper for the Albee. Palace take on 'Men with Wings' is n.g., and Keith's is dipping to a season's low with 'Service De Luxe.' For the other stands fair returns are the rule on so-so product.

This is final week for the Shubert on straight pix; house got into vaudeilms for balance of season.

Estimates for This Week
Albee (RKO) (3,300; 35-42)—'My Heart' (U). Good \$15,500. Same last week with 'Brother Rat' (WB).

Capitol (RKO) (2,000; 35-42)—'Great Waltz' (M-G) (2d run). Okay \$5,500. Last week, 'Citadel' (M-G) (2d run), poor \$3,500.

Family (RKO) (1,000; 15-25)—'Renegade Ranger' (RKO), 'Night Hawk' (Rep), 'Mystery Rider' (Par), singly. Average \$2,100. Ditto last week, 'Crime' (Rep), 'G-B' (G-B), 'Old Mexico' (Par), 'Vampire Bat' (Maj), separate.

Grand (RKO) (1,200; 25-40)—'Stablemates' (M-G) (2d run) (2d wk). Nice \$2,700. Last week, big \$4,000.

Keith's (Libson) (1,500; 35-42)—'Service De Luxe' (U). Brutal \$2,500. Last week, 'Five Kind' (20th), fair \$400.

Lyric (RKO) (1,400; 35-42)—'Suez' (20th) (2d run). Fairly good \$4,000. Last week, 'Arkansas Traveler' (Par) (2d run), slow \$3,500.

Orpheum (LTC-Cooper) (2,600; 35-42)—'Men Wings' (Par). Disappointing \$10,000. Last week, 'Great Waltz' (M-G), surprisingly good \$13,000.

Shubert (RKO) (2,150; 35-42)—'Tums' (UA) (2d wk). Fair \$4,500. Last week (1st), excellent \$8,000.

Estimates for This Week
Aldine (WB) (803; 42-57-68-73)—'Young Heart' (UA). Nice notices from the crit sending this to fair \$12,500. Last week, 'Man Remember' (RKO), despite excellent reviews, failed to click on belated exploitation drive and ended below par at \$11,100.

Boyd (WB) (2,350; 37-57-68-75)—'Great Waltz' (M-G). Freed by flurry of 24-sheet and contest; \$17,000, good, but not exciting. Last week, 'Citadel' (M-G) given only six days of second session in order to get house back on belated exploitation policy. N. s. h. \$8,800.

Earle (WB) (2,758; 25-37-42-57-68)—'Gladiator' (Col) and Jimmy Dorsey's orch and Andrews Sisters. Far from terrific, but profitable at \$20,500. Last week, 'Broadway Musketiers' (WB) with Horace Heidt unit on the boards, also weak at \$21,500.

Fox (WB) (2,377; 37-57-68-75)—'Brother Rat' (WB). 2d week. Satisfactory at better than \$12,000 for h.o., after clicking off nifty \$18,700 in opening week. Presence of the legit offering here at same time believed stimulating.

Karlton (WB) (1,086; 37-42-57-68)—'Citadel' (M-G) (2d run). Very nice here at \$4,500, especially considering that it's a 2d week and two weeks at the Boyd. Last week, 'Can't Take It' (Col) (2d week-2d run), swell \$5,800.

Keith's (WB) (1,870; 37-42-57-68)—'Suez' (20th) (2d run). Rating at less than \$5,000 the mediocre performance it gave in nine days at the Stanley. Last week, 'My Heart' (UA) (2d run), poor \$4,000.

Stanley (WB) (2,018; 37-42-57-68-75)—'Men Wings' (Par) (2d week). Being pulled out today after five days of second session. Failing to react at \$6,800 in six days. Last week hit little better than \$15,000, hardly titling it to another lap except for shortage of film.

Stanton (WB) (1,487; 26-42-57)—'Gertie School Girl' (Col). Very nice pats on the back by the newspaper ganderers, but showing no results of this hype at below par \$4,500. Last week, 'Dark Rapture' (U), under stimulating newspaper campaign, satisfactory \$5,500.

Estimates for This Week
No opposition is being made by exhibitors against a proposed ordinance to regulate the admittance of children less than 16 years to films. Proposed ordinance was introduced in city council last week by Charles P. Taft and sent to the law committee.

It would require theatres to obtain an annual license costing \$2. Theatre managers would be prohibited from permitting juves to enter theatres during school hours and not later than eight o'clock on evenings prior to school days. Licenses would be issued by the city treasurer with consent of the city manager, who might revoke the licenses after a hearing.

Ordinance is understood to be aimed at Negro theatres to overcome complaints from teachers that some colored pupils have been neglecting school and attending pic parlors.

CINCY EXHIBS DON'T OPPOSE UNDER-16 BAN

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Estimates for This Week
Schines' 20TH ANNI FEED
J. Myer Schine and Louis M. Schine, founders of the Schine upstate New York theatre circuit, will be occasionally-dinnered at the Hotel Ten Eyck, 1000 Broadway, N.Y.C.

Occasional marks completion of 20 years in the picture business.

LONDON CASINO IN VOLUNTARY LIQUIDATION

London, Nov. 15. Simultaneously with calling to the creditors of the London Casino, this cabaret-theatre today (Tuesday) went into voluntary liquidation. Cork & Co., chartered accountants, appointed liquidators, but the current Clifford C. Fischer revenue will run until the end of the year.

A deficiency of \$255,000 is listed, including a \$60,000 entertainment tax due the authorities. The assets comprise a negligible amount of cash and wines worth \$15,000, plus the sales value of the current production, which is placed at \$20,000. Preferential claims total \$30,000.

The \$60,000 owed the government for amusement taxes stems from the test case involving the question whether the London Casino, being a cabaret-theatre, falls under the theatre or the cafe tax. Government wanted a percentage on the entire check, while the Casino contended—and was subsequently sustained—that, at the most, only a portion of the check falls within the theatre category, considering that the rest of it covers food and liquors.

Producer Fischer has set back his new show for the Casino until after New Year's. He's also deferring his return to New York, where he left Mrs. Fischer right after the premiere of the new revue at the International Casino, on Broadway, several weeks ago, figuring on only a fortnight or so on this side.

Pierre Sandrini and Jacques Charles, who unsuccessfully negotiated for the Leicester Square theatre, with a view to converting it into a cabaret-theatre, a la the London Casino, are not coming into the latter spot. It's been rumored they were after it. Fischer has a piece of the L.C., along with managing director Marius Poulsen, Major Bell, Edward A. Stone and others.

Fischer amortizes his reverses between the London and the International (N. Y.) Casinos. Incidentally, Sandrini and Charles preceded Fischer into the Broadway niter.

ROWLAND MAY WIND UP SERIES IN MEXICO CITY

Bill Rowland and his associates may complete their program of six Latin-American features in Mexico City. Rowland and Ralph Peer, head of Southern Music Co., which handles Latin-American music, are now in Mexico studying film-making possibilities.

Rowland made "Say That You Love Me" at Eastern Service's Astoria studio, film coming in barely within the budget. It is the first of six that Rowland is committed to make for RKO release in the Latin-American market.

Prelim estimates are that the advantages in turning out a more topical production at a smaller cost may prompt Rowland to try at least one in a Mexico City studio. RKO has no stipulations as to where they must be produced.

British Lion, Republic Sign Distrib Accord

Five-year franchise deal for distribution of Republic Pictures' product in Great Britain has been signed by British Lion Film Corp., according to Sam W. Smith, managing director of B.L.F., who says the latter planned production on eight or 10 features in England for distribution in America via Republic. Smith sailed for England Saturday (12).

Smith had been conferring three weeks in New York with Herbert J. Yates and Morris Goodman, vice-president of Republic.

G.U.T., SYDNEY DAILY FEUD

Sydney, Nov. 3. Greater Union Theatres is at advertising odds with the Sydney Sun, which did not like the way the daily's film critic treated product spotted into the circuit's houses.

London Play in Quick Fold; Gwenn Signed

London, Nov. 15. 'So English' opened at the Royalty last Tuesday (8).

A flop, play was described by one daily here as being the worst entry of the year. Folded Saturday (12). 'She Too Was Young' folds at the New Dec. 3, when it will have completed 130 performances. Edmund Gwenn, star of the show, goes into 'Worth a Million,' by Vernon Sylva, which will be done at the Saville first week in January, after two weeks in the sticks.

Show is being sponsored by O'Brien, Linnet & Dunfee in conjunction with Saville management.

'ALEX' OPENS STRONG IN SLOW SYDNEY

Sydney, Oct. 28.

Biz still slow. Bunch of new ones may bid shoppers in a buying mood. Alexander (20th) premiered strongly and should pull. 'Drums' (UA) has plenty. 'Snow White' (RKO) folded after 21 big weeks. 'Algiers' (UA) following. 'Dad and Dave' (BEF) and 'Robin Hood' (WB) were being held over.

'Four Daughters' (WB) may get by with the femmes. 'Toy Wife' (M-G) also is bidding for femme trade, as does 'Always Goodbye' (20th) and 'Shopworn Angel' (M-G). 'Three Loves Has Nancy' (M-G) should find many payees. Britishers in for b.o. bid include, outside of 'Drums,' 'Strange Boarders' (G-B) and 'Command Performance.'

Melbourne Hikes

Melbourne, Oct. 28. With the commencement of big racing carnival, trade should rise. Currently big holding nicely with solid lineup. 'Mad About Music' (U) having no difficulty, and 'Snow White' (RKO) continues big pull.

'Tropic Holiday' (Par) folds after fair trade. 'Girl of Golden West' (M-G) set for stay and 'Hurricane' (UA) okay. 'Going to Be Rich' (20th) hitting solidly and remaining but 'Dinner at Ritz' (G-B) quit after three weeks. Of 'Human Hearts' (M-G) can't hope for much.

See Trade Up in N. Z.

Auckland, N. Z., Oct. 28. Now that election is over, with a victory to labor, trade should build high throughout Auckland, Wellington, Christchurch and Dunedin. Current Yankee lineup includes 'Gone With the Wind' (UA), 'Yellow Jack' (M-G), 'Going to Be Rich' (20th), 'Manproof' (M-G), 'Cocoonat Grove' (Par), 'Varsity Show' (WB), 'Mad About Music' (U), 'Firefly' (M-G).

Robeson Clicks Big

London, Nov. 15. 'Comedy Harmonists,' with European and American reputation, were well received at the Coliseum.

Paul Robeson, making his first vaudeville appearance here in years, created a new box office record opening day at the State, Kiuburn. He's getting \$3,000 weekly and hitting a terrific pace.

Art Kelly to Visit

Aussie After Far East

Sydney, Oct. 28. Arthur Kelly, United Artist foreign chief, is scheduled to visit New South Wales and other Australian key states, besides New Zealand, early next year after a jaunt through the Far East.

It is hinted here that Kelly may have with Stuart F. Doyle on the latter's pet scheme of crashing into South African territory. However, bulk of time will be spent by Kelly in going over UA matters in Aussie territory.

20th Signs Ledesma,

Del Carril for H'wood

Buenos Aires, Nov. 8. Amanda Ledesma and Hugo del Carril, two of Argentina's foremost radio and screen stars, have been signed by 20th Century-Fox, and will leave Buenos Aires for Hollywood early next year. Both will be costarred in two of the four Spanish-speaking pictures which are on the production list of 20th-Fox for release next season.

Miss Ledesma's contract is said to run over four months, for \$800 weekly, with options.

Johnson, Mickey Orchs in Deal For B. A.-U. S. Switch

Buenos Aires, Nov. 8.

Preliminary negotiations were held between Johnny Johnson and Harold Mickey during the former's visit to Buenos Aires, regarding a mutual exchange of their orchestras. Plan would result in Johnson coming to Argentina late in the spring on a radio and night club contract and Mickey would go to New York for the World's Fair.

This exchange is necessary in order to avoid difficulties with the local musicians' union, whose statutes prohibit the appearance of any foreign orchestra which comes to the country without a definite contract. Only exceptions in the last months were made in the case of the Hungarian orchestra of Ilja Livshakov, which was contracted by the Municipality of Buenos Aires for its own radio station, Radio Municipal (LS1), and for Harry Roy's orchestra, which came from England to fulfill a radio contract with Radio Belgrano (LR3) and had to leave within a limited time.

Mickey has a two-hour per week contract with Radio Excelsior (LR5), and is playing at the Odeon Bar. B. A. He's been in that spot since the opening, about seven months ago.

NO SOLO RKO DEAL IN ITALY—REISMAN

Phil Reisman, RKO foreign head, arrived from Europe last week after a three months' tour of the Continent. He denied that he had made any individual pact with the Italian Government for RKO Export Corp. to continue doing business in Italy, but beyond this refused to discuss the situation in that country until after further conferences with RKO executives.

Reisman did not make any changes in the European sales organization.

EFFECT OF FRANC'S DROP

Duncan Sisters Refuse Jobs Due to Exchange Fall

Paris, No. 7.

Indication of how the exchange has affected the engagement of foreign artists in this country has been markedly demonstrated by the Duncan Sisters.

Here to make recordings for Columbia in French and German, Vivian and Rosetta Duncan thought they would like to play on a French stage as they have never played here before. They got offers, but the pay offered was so far below what the two had been getting in England that they didn't accept. Even an offer to double in a music hall and cafe could not interest them sufficiently.

Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '36.

'Robert's Wife,' Globe—Nov. 23, '37.

'Me and My Girl,' Victoria Palace—Dec. 16, '37.

'Nine Sharp,' Little—Jan. 26, '38.

'Wild Oats,' Princess—April 13, '38.

'Banana Ridge,' Strand—April 27, '38.

'Glorious Morning,' Whitehall—May 25, '38.

'Spring Meeting,' Ambassador—May 31, '38.

'Lot's Wife,' Savoy—June 10.

'She Too Was Young,' New—Aug. 16.

'The Fleet's Lit Up,' Hippodrome—Aug. 17.

'George and Margaret,' Piccadilly—Aug. 30.

'Running Riot,' Gaity—Aug. 31.

'Flashing Stream,' Lyric—Sept. 1.

'Room for Two,' Comedy—Sept. 6.

'Dear Octopus,' Queens—Sept. 14.

'The Corn Is Green,' Duchess—Sept. 20.

'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.

'The White Guard,' Phoenix—Oct. 6.

'Bobby Get Your Gun,' Adelphi—Oct. 7.

'When We Are Married,' St. Martin's—Oct. 11.

'A Party for Christmas,' Haymarket—Oct. 11.

'Private History,' Gate—Oct. 12.

'Quiet Wedding,' Wyndham's—Oct. 14.

'Idiot's Delight,' Hys Majesty's—Oct. 24.

'They Fly by Twilight,' Aldwych—Oct. 24.

'Elizabeth of Austria,' Garrick—Nov. 3.

7 Film Cos. Named

(Continued from page 3)

being a particularly important item in question. In referring to 'exclusion of unaffiliated exhibitors from first-run exhibition' the bill states: 'The State-Lake and Woods now operated entirely by unaffiliated exhibitors, have been systematically excluded from first-run exhibition and unaffiliated who have sought to lease the Oriental for first-run exhibition have been systematically excluded from that privilege.'

Oriental has been now leased to Jones, Linick & Schaefer, which will open house on vaudeville policy on Friday (18), using 'A' and 'B' week pictures.

Clearance Charges
Bill insists that clearance agreements that would keep first-runs out of the Woods, Oriental and State-Lake are arbitrary and unreasonable in that such agreements ignore the normal competitive advantages possessed by the Oriental, State-Lake and Woods over certain theatres operated by the defendant exhibitors granted first-run protection by said agreements.

Bill then points out that Oriental is able to produce for the distributors more revenue from first-run pictures than the United Artists, Roosevelt, Apollo and Garrick, and as much as the Palace. That the State-Lake can produce as much revenue as the United Artists and Roosevelt, and more than Apollo and Garrick. And finally, that the Woods would be able to produce at least as much as the Garrick.

Much is made in the bill of the recent difficulty between Balaban & Katz and the Oriental theatre owners, with the bill charging that B&K worked undue and unreasonable hardship on the Oriental theatre.

This Government suit here is

ADELPHI, LONDON, GOING VAUDEVILLE

London, Nov. 15.

Negotiations are proceeding between Isidore Ostrer and Associated Theatre Properties to lease the Adelphi, 1,800-seater in the Strand, for vaudeville. House will be operated by George Black and booked by Val Parnell for General Theatres, which

General Theatres has been anxious to establish straight vaudeville house in the West End, and keep the Palladium for permanent 'Crazy Shows.' This is especially true now that Stoll is running vaudeville at the Coliseum.

Poles Spend \$65,000 For U. S. 16MM Projectors

Washington, Nov. 15.

Polish order for 20 American-made 16mm. sound film projectors, together with gasoline-electric generators, revealed in a report from the American commercial attaché at Warsaw to the U. S. Department of Commerce. Purchase will be made by the government institution PTA (Polish Telegraph Agency) which is the official news, newsreel and information agency of the country. Value of projects is estimated at \$65,000 with delivery to be made in lots of 25-50.

Attache's report disclosed that the American sound machines were sold in competition with projector manufacturers in Germany. They will be used for government purposes with some resold on long-term payments to small communities for visual education in agriculture and livestock raising, and to labor and training schools for instruction and entertainment.

Cammack's Itinerary

Buenos Aires, Nov. 15. Ben Y. Cammack, of RKO's foreign department, left for Brazil after a stay of several weeks in Buenos Aires. Shortly after his arrival he will leave Rio de Janeiro for South Africa, and then proceed to Batavia, Singapore and the Far East.

Cammack will return to the U. S. via Europe and plans to arrive in New York early next April.

PAPA GUIZAR

Hollywood, Nov. 15. 'Papa Soltero,' starring Tito Guizar is the next Spanish picture to be produced by Dario Faralla for Paramount. Starting date is Nov. 28.

completely unrelated to the present Allied independent exhibitors suit against practically the same list of defendants charging restraint of trade and unreasonable scheduling of pictures to the detriment of the unaffiliated theatre. The Allied action is not a criminal suit, with the indie exhibitors seeking no contribution against the defendant companies, but solely a revision in the present clearance and zoning system which, they claim, is giving the affiliated theatres an unfair and unreasonable advantage.

Case also is apart from the national federal suit involving nationwide theatre and film companies.

Momand Suit Extended

Oklahoma City, Nov. 15.

Hearing on A. B. Momand \$4,500, 000 antitrust charges against a flock of producers, distributors and exhibitors continued before Federal Judge A. P. Murrah who granted 20 days time in which Momand attorneys are to amend petition to conform with orders of Judge Vaughn in the previous Momand cases. Granted defendants 20 days thereafter in which to prepare and plead their case.

United Front

(Continued from page 3)

should be revised by Congress so that they can be made workable.

Apparently Arnold and other Federal representatives are not convinced that the laws are good for all parties concerned, or that they can be enforced to accomplish the purpose designed. But, he plans seemingly to enforce them to the hilt and possibly make it so tough for business that the present antitrust statutes will be repealed and new ones placed in their stead. In this situation would not be unlike that of prohibition when the enforcement was made so tough on an unpopular law that it was repealed. Only, of course, that new anti-trust statutes would be voted for the old ones.

Basic difficulty today is that business men claim that it is almost impossible to tell if business transactions are in violation of the antitrust law or not. They contend that the laws are not explicit.

The film business also has been lashed by the fact that exhibitors, with a grievance about clearance, product, etc., have too often resorted to filing a lawsuit under the antitrust stipulation. Of course, the complainant must prove that the anti-trust law was violated, but if he is able to do this, he always stands a chance of collecting three times what he asks for in original papers. Anti-trust law violation puts the picture company on the spot in facing punishment via punitive damages, a fine, jail sentence and injunction, or possibly two or more of these punishments.

Lean Years

(Continued from page 1)

over a period of years will be taken up by Frank Gillmore, president of the Associated Actors and Artists of America, parent union of all performers in show business. Authorization for the action was voted at last week's meeting of the Four A's board in New York.

Gillmore's first step in carrying out the plan will be to consult Senator Robert F. Wagner, of New York, who is said to have expressed an interest in the question and sympathy for the actor's point of view. If Wagner proves receptive, he will be asked to introduce a measure in the Senate, while some Congressional man will be urged to father a companion bill in the House. Gillmore, who has appeared frequently before various Congressional committees, might head a delegation of legit, film, opera, concert and radio stars to push their case in committee hearings.

Mex's 863 Cinemas; 370 Open

Mexico City, Nov. 15. Government statistics report that of the 863 cinemas in Mexico, 370 are in regular operation.

Most of the working houses are in this city, Yucatan and Vera Cruz.

FASCIST INFLUENCE IN S. A.

UA Exec Reports Big South American Biz for U. S. Films; Action Preferred

Walter Gould, manager of distribution in South and Latin America for United Artists, returned last week from a three months' business tour in his territory.

Sales executive reports that American picture companies are looking more and more to the Latin American trade to offset setback in other foreign receipts, and states there has been a noticeable increase in business there for all the American companies. In some countries there has been as much as a 50% increase. This is in the face of the fact that present-day pictures are not as adaptable or as easily marketed in South and Latin America, as was the case in the days of silent pictures.

Gould reports that picture competition from Germany has not affected American film business so far, although many of the countries have developed nationalistic tendencies.

Trend in pictures most popular with the Spanish and Latin people is away from the musical films with incidental plot background and toward the action or adventure type of film. 'Prisoner of Zenda' and 'Hurricane' are doing the biggest business of any UA pictures, for example. UA services about 550 accounts in the Argentine and about 450 in Brazil, these being the two principal markets for American pictures.

Regarding Spanish production below the U. S. border, Gould estimated that a total of about 100 pictures will be produced this coming year, with Argentina studios being responsible for between 50 to 60. Mexico will turn out about 40 while a few others are scattered among the smaller countries.

He also reports a tendency of Latin American exhibitors to take fewer pictures of the 'B' type, preferring to allot booking time to the big ones, or to native pictures which have a good repeat value. Some American distributors, including UA, are providing for this eventuality by sponsoring production and distribution of Mexican and Argentine pictures. UA in 1939 will distribute six Mexican-made films. Company will also annually distribute the Valentino release, 'Son of the Sheik,' now doing good business in Latin America.

Gould will remain at his New York headquarters indefinitely.

NO MONO ENGLISH PIC PRODUCTION JUST NOW

Plans for the production of pictures in England by Monogram being called off temporarily, W. Ray Johnston has renewed his distribution deal with Pathe Pictures, Ltd., London, to handle the Mono films for that territory. William J. Cell, managing director of Pathe here, on that deal as well as to discuss joint production by Pathe and Mono of four films annually in England, sailed Saturday (12) for London.

Johnston will go over next summer, at which time further discussion concerning the making of Mono pictures on English soil will be discussed.

Meantime, Johnston is going ahead on plans for the 1939-40 season when Mono may schedule 32 features as against the 26 on the present ('38-'39) program.

Arrangements for distribution of Monogram pictures in all Latin American countries, excepting Peru, have been completed, according to Norton V. Ritcher, foreign export manager for Monogram.

Deals also set for West Indies and Central American countries.

Seek French Pix

Jacques Griniet, French distributor who brought 'Grand Illusion' to this country after uncovering it in France, and Arthur Arent, author of the 'One Third of a Nation' stage production, sail this week for France. They're in search of new product for American distribution.

Macdonald Ends Tour

Karl Macdonald, Latin-American manager for Warner Bros., has returned to New York after a swing through Central America.

Understood Macdonald looked into the advisability of opening Warner offices in Colombia and Venezuela.

U. S. Pix Still Stalemate In Italy Situash

No new developments have been reported to the Hays office in New York on the Italian nationalization decree which would put all foreign distribution under government control. F. W. Allport, representative of the Motion Picture Producers & Distributors Assn. in Europe, attempted to obtain a more satisfactory arrangement on distribution than set forth in the original act but returned to N. Y. recently from his visit to Rome and indicated there was no apparent shift in the alignment.

All eight major U. S. film companies plan to withdraw on Dec. 31 and have notified exchange employees and others concerned to that effect. They have also refused all contracts beyond that date. Italy is standing pat on its original decree and will permit only foreign pictures it wants into the country, and then only if handled by its government bureau.

Even companies having no exchanges in Italy, who are distributing by means of Italian firms, have indicated they would withdraw at the end of the year if the present decree was not altered. While some of the American companies have contracts running three years, and longer, with Italian distribution outfits, the Italian decree voids these, according to latest interpretation, since the government order permits no third parties in the setup.

American distributors feel that Italian exhibitors need U. S. features more than they require the revenue that might be obtained from Italian accounts. Estimated both in N. Y. and Rome that the \$1,000,000 which might be offered American companies for total output in a year would amount to about a fifth the gross revenue now being secured from Italy.

Aside from the deep dent into income, resulting from enforcement of the Italian decree, American officials believe the nationalization idea might spread to other European countries with fascist ideas. They resent, also, the Italian agency deciding what subjects can be admitted.

DUTCH FINALLY OK METRO'S AMSTERDAM

Amsterdam, Nov. 1.

Protest of an Amsterdam property owner against Metro's plan to build a big theatre at the Frederiksplein, a square in the centre of Amsterdam, has been nixed by the Council of State, the highest authority in the Netherlands. The case, pending nearly two years, featured a strange protest—the owner feared the possibility he'd lose 'the beautiful outlook from his balcony' if the theatre were built.

Whether Metro will now proceed with its building intentions will depend on F. L. D. Strengholt, Metro's Central European rep, and his company's New York office.

GOV'T CONTROL OF ARGENTINE PIX

Industry Rebels Against Measure Proposed by Dr. Sanchez Sorondo, a Senator, for Restrictive Agency Modeled on Similar Idea Employed in Italy and Germany

WOULD HIT EXPANSION

By FRED MAREY

Buenos Aires, Nov. 1.

The whole Argentine picture industry is opposing an attempt now being made to exert a strict government control on all its activities. Idea to create a State Cinema Institute, which would completely control the industry. Dr. Sanchez Sorondo, a member of the Argentine senate, is the originator of the plan and he has presented the motion before the legislature. However, the subject will not be debated in the senate until early next year.

Sorondo is also a member of the Argentine Film Institute, and was responsible for preventing the showing of 'Tres Argentines en Paris' ('Three Argentines in Paris'), which he considered would lower Argentine prestige. The matter was taken to court and the producers won. However, elimination of 'Argentine' from the title was ordered.

Last year, before this affair, Sorondo returned from an extensive tour of Italy and Germany. He is said to be an admirer of the present regime in those countries and returned to Argentina full of praise for the state-controlled film industries in those countries. It's said here that he's endeavoring to carry out in Argentina what he has seen in effect abroad.

'Would Hamper Development'

The uproar against the attempt of Sorondo to control the activities of the Argentine film industry is perfectly justified in view of all producers, distributors, exhibitors, directors and artists. It's believed that this control would hamper the development of an industry which has hardly yet got under way.

Producers contend that the possible attempt of the government to defend the interests of the public is the first to suffer if they produced pictures which offended public tastes. Some heads of local studios have stated that in the event the law is passed, they would consider transferring their activities to some neighboring country, such as Uruguay. Here they would produce their 'Argentine' pictures and enter this market as foreign producers and thus escape control by the state-official Film Institute.

In New York, foreign department execs of American companies do not minimize the possibility that passage of Sorondo's proposal may hit Yankee distribution. However, they do not give much credence to the chances of the bill to pass.

The bill presented by Sorondo is an extremely lengthy one and contains nearly 100 different articles. One of its clauses states that all scripts have to be submitted to the Institute before work is begun on a picture. Likewise, all the posters, press sheets, texts for lobby displays, etc., have to be approved by the Institute. Foreign companies wishing to take shots in Argentina for inclusion in a picture dealing with this country would have to submit their copies to the Institute before leaving the country. Otherwise the picture would not be allowed to be shown here.

Seeks to Curb Salaries

One of the main reasons why the principal actors in local production would not like to see the law passed is because Sorondo believes the salaries are far too high. At the present

American Distribs Faced with Fight Against New Restrictions in Aussie; Premier Proposes National Quota

Niven's Brit. Gumshoe

Hollywood, Nov. 15.

David Niven gets the title role in 'Col. Rowan of Scotland Yard,' to be filmed by Samuel Goldwyn at Denham, England, where he has rented space for interiors.

Shooting starts as soon as Niven completes his first starrer, 'Raffles.'

French, Anglo Pictures Seen On Rise in U. S.

Outlook for French and British pictures in the U. S. is good for the coming season, according to distributors and exhibitors. Operation of the British quota probably will result in more English-made features being shown in the U. S. than at any time since the boom period of the '20s. Prospects for French productions, of course, are not stacking up to the optimism of some foreign-language distributors who were planning 50 to 80 features earlier this year.

Gaumont-British figures to cash in on the improved product from Great Britain. Company already has 24 features for the new season set for distribution. Figures to have 10 new features and two reissues available for the American market by Dec. 1, with delivery promised on the remaining 12.

Popularity of foreign stars has grown in the last two years but better stories and better made pictures are held responsible by Gaumont-British for the upswing in British film popularity. Fact that many major American producers are making one or more big features in England to fulfill quota requirements, of course, has contributed to this improved attitude towards British product.

Gaumont-British operations may be further bettered in U. S. by the proposed arrangement whereby actual bookings in this country would be handled by 20th-Fox. Later already handles physical distribution although selling and booking has been done by G-B.

ent time, topnotchers, such as Liberata Lamarque or Pepe Arias, two of the best known artists, get 75,000 pesos (\$20,000) for a picture. The senator believes that this is far too much in proportion to the market for Argentine pictures. Up to a certain point he is right in his contention, it's held, but against that it's stated that Lamarque and Arias usually assure a picture's financial success. Although films have been produced in Argentina for years, they were never an important factor in the foreign field until 1933, that year marking the real start of its films. The following table shows the rise:

Year	No. of Pix	Avg. Prod. Cost
1933	4	\$14,500
1934	6	19,500
1935	8	25,500
1936	15	26,000
1937	31	30,800

For 1938 the program of pictures already released and those that will be finished before the end of the year is in the neighborhood of 50, with an average production cost of \$26,000. It's expected that one or two 'super-productions' next year will set a new high of \$40,000.

Sydney, Nov. 15.
New quota legislation in New South Wales contains a four-fold threat against American pictures distributed in Australia. Probably the most drastic implication is contained in Premier Stevens' assertion that he would refer the New South Wales law to all state governments for 'unity working.' This is taken to mean that he will attempt to make it a national quota matter for all of Australia.

Besides the proposal to refer the whole quota legislation to all states, New South Wales plans (1) to grant exhibitors 25% rejection right on foreign pictures, as against the former rate of 12½%, (2) proposal for a registration fee on foreign pictures imported in order to subsidize the development of local production and (3) bans further theatre construction until June 1, 1939.

Probably the most iniquitous part of the new proposed legislation is the registration fee, unless it's a minimum amount with no sliding scale, according to length of the picture, which seems unlikely considering that the money is to be used to bolster production in New South Wales, the penalty for doing business in this state will be protested bitterly by American distribution interests.

U. S. distribs already pay heavy fees via local taxes for their company setups here, on admission taxes, a censorship fee as so much per foot and per print and a customs duty based on a footage basis, 8c a foot on positive and 16c on negative prints.

The move to pass the New South Wales quota around as a model for a commonwealth measure is said to be a direct result of the American protest on the unconstitutionality of the state measure in New South Wales. It appears that the Stevens government is making certain that it would have the new quota act stick by building sentiment for a sweeping all-Australia quota.

If the fundamentals of the New South Wales statute are incorporated into a national law, American distributors of course will be confronted with having to comply not only with a quota regulation in this state, but in five others.

Tougher on Distribs in N. Z.

Auckland, N. Z., Oct. 28.

Return of labor government to power in New Zealand is expected to have material bearing on the proposed picture legislation in New South Wales, and definitely makes it tough sledding in this country for American distributors. Sir Victor Wilson, head of the Motion Picture Distributors Assn. of Australia, is here in an effort to arrange a more friendly working arrangement for U. S. distribs, which is tipped on how serious establishment of labor party in power again is regarded.

Labor government in New Zealand has been tough on U. S. distribs in the last three years under Prime Minister Savage. Exhibitors here have been successful in obtaining 25% rejection right and a ruling that keeps any management from shifting a theatre's policy from first to second run or vice versa. It's well known that picture legislation invariably has gone in favor of the exhibitors.

American representatives have asked government officials for greater leniency but have been unsuccessful.

Dutch 'Long Legs' Clicks

Amsterdam, Nov. 1.

Dutch (unauthorized) remake of Jean Webster's novel, 'Daddy Long Legs,' released four weeks ago at the City Theatre, Amsterdam, is proving a big hit.

This is the local remake that has 20th-Fox films charging copyright infringement and suit.

BRED TO RUN

WILD AT THE BOX-OFFICE!

"LITTLE TOUGH GUYS IN SOCIETY"

**NOW
BOOKING!**

RELEASED THANKSGIVING
(NOVEMBER 24th)



MISCHA AUER • MARY BOLAND • Edward Everett HORTON
LITTLE TOUGH GUYS in SOCIETY

and these **LITTLE TOUGH GUYS**

FRANKIE THOMAS • HARRIS BERGER • HALLY CHESTER
CHARLES DUNCAN • DAVID GORCEY • WILLIAM BENEDICT

with **Helen PARRISH**

and **Jackie SEARL**

Original screenplay by
Edward Eliscu and
Mortimer Offner



Directed by **ERLE C. KENTON**
Assoc. Prod. **MAX H. GOLDEN**

**MORE POWERFUL THAN UNIVERSAL'S
"LITTLE TOUGH GUY"!**

and his assassination follow. Miss Darrieux is given almost every chance to demonstrate her ability. And she does commendably. Loder falls short. With only a small spot, Miss Daste does excellently well a difficult role. Aime Clairond as high government official is convincing. Almos and Jeanne Provost also do well.

Court scenes are well done, with photography good. Outdoor shots supposedly taken in Russia, have been well chosen.

Hugo

Big Parade of the Navy marches to new highs in all early runs! . . . Pacing 20th's very biggest! . . . Depth-bombing all opposition! . . . Critics rave! . . . Packed houses cheer! . . . It's in!

WASHINGTON - BIGGEST BUSINESS OF ALL

20TH PICTURES TO PLAY THE CAPITOL THIS SEASON.

"SURE FIRE ENTERTAINMENT" SAYS WASHINGTON POST.

SAN DIEGO - OUTGROSSED EVERY ATTRACTION AT THIS

HOUSE BUT "ALEXANDER'S RAGTIME BAND 'S" ALL-TIME RECORD

AND SMASHING "IN OLD CHICAGO" SOCKO TAKE.

BALTIMORE - HOLDOVER WEEK ASSURED

AS SMASH S.R.O. PACE THREATENS "SUEZ" RECORD.

"SALUTE FOR DARRYL F. ZANUCK AND JOHN FORD" SAYS THE SUN.

SUBMARINE PATROL

20th
CENTURY
FOX

Theatre Bldg.

(Continued from page 7)

ing of 'Army Girl,' with Army and Navy officers as special guests, including Lieut. Col. Charles Gifford, who wrote the story produced by Republic. Lieut. Col. Gifford has charge of army recruiting here.

Theatre is operated by Ira and M. A. Weingrun, vet. indies.

Much St. Leo Building

St. Louis, Nov. 15.

Malco Theatres, Inc., Jonesboro, Ark., started construction of new theatre.

Alex Pappas, owner of Webster, St. Louis, has let contracts for new 500-seater in a Negro district here.

Charles McMahon & Sons, Paducah, Ky., will construct new theatre for L. E. Cord at Murray, Ky.

Louis Landau, formerly owner of the Maryland, St. Louis, has taken over the Colonial, Manchester, Mo., from Frank P. Brizzi.

The Main, Altamont, Ill., recently opened by (Miss) A. B. Wohler.

Gordon Dunstorf, Harrisburg, Ill., planning celebration for opening of new 800 seater in Wayne City, Ill.

C. Chamness, Eldorado, Ill., has opened new house in New Haven, Ill.

Mayor John W. Hayton, Carterville, Ill., who operates the Hayton, 390 seater, planning early erection of new 600-seater.

Film row hears that the 250-seater, Majestic, Morris City, Ill., may close because of 15c competition from a house in Eldorado, Ill., 15 miles away.

H'wood's Newsreel House

Hollywood, Nov. 15.

Tele-View, Hollywood's first newsreel house, opened with a mixed bill of news and novelty shorts, grinding from 11 a. m. to 11 p. m. Program changes twice weekly.

House has a new type of seat which swings, enabling late comers to find places without causing discomfort to those already seated.

St. John, N. B., Nov. 15.

The second Mayfair is the Franklin & Herschorn chain of film theatres has been formally opened in Dartmouth, N. S. It is the first stadium typed theatre in the maritime provinces and seats 1,000.

Philly Still Opening 'Em

Philadelphia Nov. 15.

Despite continued cries from indie exhibitors that biz is off, distributors are of the opinion that it can't be too bad, for houses are always in demand here. Numerous theatres which have been shuttered from six months to five years are being reopened and put into use now by old hands in the exhibitor biz, which is one of the principal reasons for the idea that there must still be money in that end of the industry. Houses with expiring leases are likewise always hurriedly snapped up.

Yet exhibitors wonder how much they ought to punk b.o., know all the angles and somehow always manage to show a profit. Red ink is being used in most cases only by newcomers to the field. They naturally get the unprofitable, poor-grossing houses unloaded on them because they don't know any better.

Aside from the fact that they can usually manage to make money out of almost any spot, houses are being snapped up by experienced exhibitors on the strength of the Government's anti-trust suit. They are of the opinion that the suit will force Warner to relinquish control of some of its numerous houses here, thus breaking the clearance jam.

Ted Schlanger, Warner circuit chief here, at opening ceremonies of the new Lane, last week, was awarded a scroll by the grateful people of Oak Lane for providing us with a modern theatre. Numerous WB execs from New York were in for the opening shenanigans, which attracted about 1,000 people. Music provided by 14 American Legion bands.

'Juarez' Kicks Off

Hollywood, Nov. 15.

Warners high-budget picture, 'Juarez,' left the barrier yesterday (Mon.) with Paul Muni and Bette Davis co-starring, and William Dieterle at the helm.

Three other features, 'Hell's Kitchen,' 'Return of Dr. X' and the second of the Secret Service series, also go before the cameras this week.

Hollywood, Nov. 15.

Largest total of pictures in production for several months is facing the cameras as of Nov. 8. With a total of 48 in work, studios are rushing to

clear first half of season's schedules.

Already completed, either produced or released are 122; 77 are in the cutting rooms and 332 still to be put into production.

Columbia

Features	Number of Pict. Promised	Number Completed	Now Shooting	New Balance to Be Placed in Cutting Before Rooms Cameras	Stories in Preparation
Westerns	16	4	1	2	9
Serials	4	1	0	0	3
Total	60	11	1	2	40

Pictures now in the cutting rooms or awaiting previews are:

'ADVENTURE IN SAHARA,' formerly titled 'REVOLT IN THE SAHARA,' produced by Lou Appleton; directed by D. Ross Lederman; screenplay by Maxwell Shane from original by Sammy Fuller; photographed by Franz Planer. Cast: Paul Kelly, C. Henry Gordon, Robert Fiske, Lorna Gray, Dick Curtis, Marc Lawrence, Stanley Brown, Dwight Frye, Al Bridge, Raphael Bennett, Charles Moore.

'CALIFORNIA FRONTIER,' produced by Monroe Shaft; directed by Elmer Clifton; original screen play by Monroe Shaft and Arthur Hoerl; photographed by Eddie Linden. Cast: Buck Jones, Carmen Bailey, Jose Perez, Forrest Taylor, Milburn Stone, Stanley Blystone, Ernie Adams, Bob Terry, Carlos Vilaras, Soledad Jimenez, Tom London, Billy Blotch, Paul Ellis, Ray Teal, Carl Matthews.

'THERE'S THAT WOMAN AGAIN,' produced by B. B. Kahane; directed by Al Hall; no writing credits released; photographed by Joseph Walker. Cast: Melvyn Douglas, Virginia Bruce, Margaret Lindsay, Marc Lawrence, Lucille Lund, Tom Dugan, Paul Harvey, Gordon Oliver, Stanley Ridges.

'INTERNATIONAL SPY,' formerly titled 'SPY RING,' produced by Jack Fier for Irving Briskin unit; directed by Christy Cabanne; no writing credits released; photographed by Allen Seiger. Cast: Fay Wray, Ralph Bellamy, Warren Hull, Regis Toomey, Walter Kingsford, Lorna Gray, Ann Doran, Paul Whitney, Mae Wallace, John Tyrrell, Dick Curtis.

'NORTH OF SHANGHAI,' formerly titled 'LIFE IS CHEAP,' produced by Wallace McDonald for Irving Briskin unit; directed by D. Ross Lederman; no writing credits released; photographed by Franz Planer. Cast: Betty Furness, James Craig, Kevy Luke, Dick Curtis, Joseph Downing, Honorable Wu, Ky Kendall, Lotis Liu, John Tyrrell.

'HOMICIDE BUREAU' (for 1938-39 release); associate producer, Jack Fier; directed by C. C. Coleman, Jr.; original screen play by Earle Snell; photographed by Benjamin Kline. Cast: Bruce Cabot, Rita Hayworth, Robert Paige, Marc Lawrence, Ed Fetherston, Richard Fiske, Jane Morgan.

'WRECKAGE,' produced by Larry Darmour; directed by Lewis D. Collins; screen play by Gordon Bigby and Tom Kilpatrick; photographed by James S. Brown, Jr. Cast: Jack Holt, Dolores Costello, Pert Kelton, Addison Richards, Joseph Crehan, Donald Briggs, Holmes Herbert, Carol Wayne, Dorothy Granger, Maxine Leslie, Al Bridge, Emerson Treacy, Jack Rice, Harry Harvey, Ray Bourton.

'THE THUNDERING WEST,' formerly titled 'TRAIL OF THE TUMBLEWEED,' produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by J. Bennett Cohen; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Dick Curtis, Bob Nolan, Ed LeSaint, Frank Bell, Eddie Cobb, Art Mix, Slim Whitaker, Hal Taliaferro, Ed Fell, Dick Botiller, Robert Fiske.

'RIO GRANDE ROUNDUP,' produced by Harry Decker for the Irving Briskin unit; directed by Sam Nelson; original screen play by John Francis Royal; photographed by Lucien Ballard. Cast: Charles Starrett, Iris Meredith, Sons of the Pioneers, Bob Nolan, Fred Kohler, Jr., Hank Bell, Ray Bennett, Blackjack Ward, Lee Prather, Eddie Cobb, Ed Hearn, Frank Austin.

Grand National

Features	Number of Pict. Promised	Number Completed	Now Shooting	New Balance to Be Placed in Cutting Before Rooms Cameras	Stories in Preparation
Westerns	16	4	1	2	9
Total	60	11	1	2	40

Pictures now in cutting rooms or awaiting previews are:

'THE LONG SHOT,' Fine Arts production; for Grand National release; produced by Franklyn Warner; associate producer-director, Charles LeMont; screen play by Ewart Adamson; original story by Harry Beresford and George Callaghan; photographed by Arthur Martinelli. Cast: Gordon Jones, Marshall Hunt, C. Henry Gordon, George Meeker, Harry Davenport, James Robbins, George E. Stone, Dorothy Fay, Frank Darrien, Tom Kennedy, Earle Hugin, Emerson Treacy, Guy Seabrook, Lee Phelps, Ben Burt.

'FURY IN THE SADDLE,' produced by Arthur Drieffuss; directed by Sam Diegel; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, Milton Frome, Vince Barnett, Linn Mayberry, Joseph Gentry, Frank Ellis, Harrison Reynolds, Merrill McCormick, Pat Henning, Fred Cordova, Eddie Gordon, Lester Doerr, Walter Patterson, Snowy (equine).

'THE LAST BARRIER,' Coronado production; produced by Donald K. Lieberman; directed by Samuel Diegel; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, David O'Brien, Vince Barnett, Ed Fiel, Dix Day, Stanley Fiske, Warner Richmond, Stanley Fiske, Warner Richmond, Merrill McCormick, Lloyd Ingraham, Ed Fiel.

'LADY BUCKAROO,' Coronado production; produced by Donald K. Lieberman; directed by Samuel Diegel; original screen play by Arthur Hoerl; photographed by Mack Stengler. Cast: Dorothy Page, David O'Brien, Vince Barnett, Ed Fiel, Dix Day, Stanley Fiske, Warner Richmond, Dorothy Short, Paul Barrett, Lloyd Ingraham, Ethan Allen, Edward Gordon, Merrill McCormick.

Grand National Pix Now in Production

'EXILE EXPRESS,' produced by Eugene Frenke; directed by Otis Garrett; original by Edwin Justus Mayer; musical score by Dimitri Tiomkin; photographed by John Mescall. Cast: Anna Sten, Alan Marshall, Jerome Cowan, Walter Catlett, Jed Prouty, Leonid Kinsky, Irving Pichel, Feodor Chaliapin, Addison Richards, Henry Roquemore, Byron Boulger, Stanley Fields, Harry Davenport, Spencer Charters, Etienne Girardot.

'THE TRIGGER FALS NO. 1,' Cinemat Productions; produced by Philip N. Krasne; directed by Sam Neufeld; original story by George Plympton and Ted Richmond; screen play by George Plympton. Cast: Arthur Hallett, Lee Powell, Al St. John, Dorothy Fay, Ernie Adams, Stanley Blystone, Ted Adams, Durkie Thane, Earl Douglas, Nina Guilbert, Ethan Allen, Bob Walker, Frank La Rue, Wally West, Carl Matthews.

Metro

Features	Number of Pict. Promised	Number Completed	Now Shooting	New Balance to Be Placed in Cutting Before Rooms Cameras	Stories in Preparation
Serials	1	0	0	0	1
Total	51	11	8	4	28

Pictures now in the cutting rooms or awaiting previews are:

'OUT WEST WITH THE HARDYS,' no producer; directed by George Seitz; original screen play by Kay Van Riper, Agnes Christine Johnson and William Ludwig; photographed by Les Ware. Cast: Lewis Stone, Mickey Rooney, Ann Rutherford, Fay Holden, Virginia Weidler, Cecelia Parker, Ralph Morgan, Nana Bryant, Sara Haden, Gordon Jones.

'CHRISTMAS CAROL,' produced by Joseph Mankiewicz; directed by Edwin L. Marin; no writing credits released; photographed by Sid Wagner. Cast: Reginald Owen, Gene and Kathleen Lockhart, Terry Kilburn, Gene Reynolds, Lynn Carver, Leo G. Carroll, Ann Rutherford, Lionel Barrymore, Matthew Boulton, Elvira Stevens, Forrester Harvey.

'DRAMATIC SCHOOL,' produced by Mervyn LeRoy; directed by Robert Sinclair; screen play by Ernest Vajda; photographed by Joe Ruttenberg. Cast: Luise Rainer, Paulette Goddard, Alan Marshall, Henry Stephenson, Gale Sondergaard, Virginia Grey, Ann Rutherford, Lana Turner, Carol Parker, Rand Brooks, Dorothy Granger, Melville Cooper, Marie Blake, Erik Rhodes, Renneville Tobin, Anthony Allen, Hans Conried, Margaret Lamont, Frank Puglia, Esther Dale.

'SWEETHEARTS' (In Technicolor for 1938-39 season), produced by Hunt Stromberg; directed by W. S. Van Dyke; screen play by Alan Campbell and Dorothy Parker; photographed by Oliver Marsh. Cast: Jeanette MacDonald, Nelson Eddy, Misha Auer, Frank Morgan, Ray Bolger, Herman Finck, Milton Gomberg, Gene and Kathleen Lockhart, Raymond Walburn, Lucille Watson, Florence Rice, Reginald Gardiner, Allyn Joslyn, Fay Holden, Olin Howland, Terry Kilburn, Betty Jaynes, Douglas McPhail.

Metro Pix Now in Production

'ICE FOLLIES,' produced by Harry Rapf; directed by Reinhold Schunzel; no writing credits released; photographed by Oliver Marsh. Cast: Joan Crawford, James Stewart, Lew Ayres, Ice Follies troupe, Jo Ann Sayres, Lionel Stander.

'I TAKE THIS WOMAN,' formerly titled 'NEW YORK COUNDELLA,' produced by Lawrence Weingarten; directed by Frank Borzage; original story by Charles MacArthur; photographed by Charles Lawton. Cast: Spencer Tracy, Hedy LaMar, Fanny Brice, Walter Pidgeon, Thurston Hall, Carlos Valdez, Leonard Penn.

'DIDY'S DELIGHT,' produced by Hunt Stromberg; directed by Clarence Brown; from play by Robert E. Sherwood; photographed by William Daniels. Cast: Clark Gable, Norma Shearer, Laura Hope Crews, Charles Coburn, Pat Peterson, Joseph Schildkraut, Paula Stone, Edward Arnold, Burgess Meredith, Skeets Gallagher, Joan Marsh, Bernadine Hayes, Virginia Grey, Mitchell Lewis, Virginia Dale, Fritz Feld, Edward Roquello, Lorraine Krueger.

'THE WIZARD OF OZ' (Technicolor), produced by Mervyn LeRoy; directed by Victor Fleming; based on story by Frank L. Baum; photographed by Harold Rosson; for Technicolor, Allan Daze. Cast: Frank Morgan, Judy Garland, Ray Bolger, Bert Lahr, Jack Haley, Charley Grapewin, Billie Burke, Margaret Hamilton, Pat O'Brien.

'HONOLULU,' produced by Jack Cummings; directed by Edward Buzzell; no writing credits released; photographed by Ray June. Cast: Eleanor Powell, Robert Young, George Burns and Gracie Allen, Eddie Anderson, Judith Allen, Jo Ann Sayres, Rita Johnson.

'STAND UP AND FIGHT,' produced by Mervyn LeRoy; directed by W. S. Van Dyke; no writing credits released yet; photographed by Oliver Marsh. Cast: Wallace Beery, Robert Wallace Beery, Helen Broderick, Charley Grapewin, Clinton Rosemond, John Qualen, Barton MacLane, Robert Gleckler, Claudia Morgan, Charles Bickford, Jonathan Hale.

'KATHERINE, THE LAST,' produced by Harry Rapf; directed by Norman Taurog; screen play by Gerald Savary and Jack Mintz; photographed by Clive De Vinna. Cast: Francisca Gaal, Rita Johnson, Barnett Parker, Charles Grapewin, Reginald Gardiner, Charles Gardner, Franklin Pangborn, Charles Judell, Priscilla Lawson, Alexander D'Arcy.

'SKIDS,' produced by Harry Rapf; directed by Edward Sedgwick; no writing credits released; photographed by Lester White. Cast: Dennis O'Keefe, Cecilia Parker, Nat Pendleton, Harry Carey, Charley Grapewin, Alan Curtis, Tom Neal, Truman Bradley.

Monogram

Features	Number of Pict. Promised	Number Completed	Now Shooting	New Balance to Be Placed in Cutting Before Rooms Cameras	Stories in Preparation
Westerns	16	4	1	2	9
Total	42	9	0	3	30

Pictures in the cutting room:

'GANG BULLETS,' produced by E. B. Derr; associate producer, Frank Melford; directed by Lambert Hillyer; original screen play by John T. Neville, photographed by Arthur Martinelli. Cast: Ann Nagel, Robert Costello, Charles Townbridge, Morgan Wallace, J. Farrell MacDonald, John T. Murray, Arthur Loft, John Merton, Roger Williams, Duke York, Donald Kerr, Carleton Young, Stanley Mack, Harry Strang, Ernie Adams, Isabella Lamalle, Martin Spellman, Tom McGuire, Bill Worthington, Bill Lally, Eddie Hearn, Frank Nelson, Jack C. Smith, Kernan Kripps, Frank LaRue, Frank Hall Grant.

'LITTLE TENDERFOOT,' produced by Edward Finney; directed by Al Herman; original screen play by John Rathmell; photographed by Frances Corbey. Cast: Tex Ritter, Jinx Falkenberg, Mary Ruth, Charles King, Tom London, Snub Pollard, Maurice Murphy, Frank LaRue, Bob Terry, Ernie Adams, Dave O'Brien, Dorothy Egan, Bud Osborne.

'I AM A CRIMINAL,' produced by E. B. Derr; associate producer, Frank Melford; directed by William Nigh; original screen play by John Kraft; photographed by Paul Ivano. Cast: John Carroll, Martin Spellman, Kay Linaker, Lester Matthews, Craig Reynolds, Mary Kornman, May Beatty, Robert Fiske, Wilbur Mack, Jack Kennedy, Dennis Moore, Bryan Fogarty.

Paramount

Studio	Number of Pict. Promised	Number Completed	Now Shooting	New Balance to Be Placed in Cutting Before Rooms Cameras	Stories in Preparation
Harry Sherman	51	14	8	11	15
Total	58	17	8	14	19

Pictures now in cutting rooms or awaiting previews are:

'PARIS HONEYMOON' (for 1938-39 season), produced by Harlan Thompson; directed by Frank Tuttle; screen play by Frank Butler and Don Hartman; based on a story by Angela Sherwood; photographed by Karl Struss. Cast: Charles Francis, Francisca Gaal, Akim Tamiroff, Ben Blue, Edward Everett Horton, Shirley Ross, Rafaela Ottiano, Keith Kenneth, George Gay, Norah Gale, Laurie Lane, Louise Seidel, Paula de Cardo, Evelyn Keyes, Harriette Haddon, Maria Doray, Louise Seidel, Judy King, Janet Waldo, Cheryl Walker, Marion Weldon, Dorothy White.

'HIDE A CROOKED MILE,' formerly titled 'ESCAPE FROM LEAVEN-WORTH,' formerly titled 'THE LAST RIDE,' formerly titled 'ESCAPE FROM YESTERDAY' (for 1938-39 season), produced by Jeff Lazarus; directed by Alfred E. Green; original story and screen play by Ferdinand Reyher and John C. Moffitt; photographed by William Mellor. Cast: Akim Tamiroff, Frances Farmer, Leif Erickson, Lynne Overman, Vladimir Sokoloff, Wade Crosby, Dewey Robinson, William Newell, John Bieker, Alex Woloshin, James Flavin.

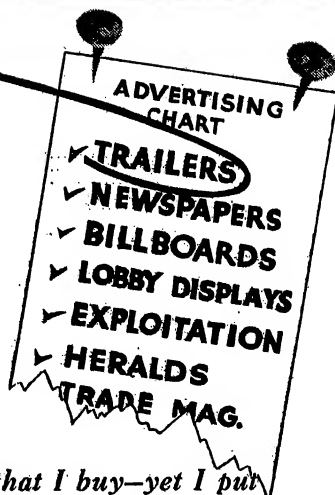
'ST. LOUIS BLUES' (for 1938-39 release), produced by Jeff Lazarus; directed by Raoul Walsh; screen play by John C. Moffitt and Malcolm Stuart Boylan; based on adaptation by Frederick Hazlitt Brennan of story by Eleanor Griffin and William Rankin; additional dialog by Virginia Van Upp; photographed by Theodor Sparkuhl. Cast: Lloyd Nolan, Dorothy Lamour, Tito Guizar, Jessie Ralph, Maxine Sullivan, William Frawley, Frank Parker, Jeanne Cowan, Matty Malneck and his Boys.

'TOM SAWYER, DETECTIVE,' produced by Harold Hurley; associate producer, Edward T. Lowe; directed by Louis King; screen play by Lewis

(Continued on page 10)

BRASS TACK TALK

*"Cheapest advertising
I can buy"*



• *"I consider my trailers the cheapest advertising that I buy—yet I put trailers at the top as being most important in actually selling tickets. . . ."*

No truer word was ever spoken than this remark by one of the 12,000 exhibitors who use National Screen Service.

Trailers ARE low in price . . . maybe too low . . . for the job they do. Measure them any way you like—they cost less per reader, per prospective customer, per circulation unit, per results! you KNOW how many ticket-buyers read your trailers—you can only guess when it comes to other advertising media.

Only bad trailers are expensive . . . because they do not sell tickets. Good trailers really cost nothing. They are an investment that return a grand, quick profit.

Ever figure what part of your gross you spend for trailers? Probably just a small fraction of one percent.

Don't waste your screen and money on inferior trailers. The best is always cheapest . . . NATIONAL SCREEN PRE-VUES . . . screen showmanship at its best!

NATIONAL SCREEN

Service!

ATLANTA.....147-73 Walton St., N.W.
BOSTON.....34-38 Melrose St.
CHARLOTTE.....219-21 Mint St.
CHICAGO.....1307 So. Wabash Ave.
CINCINNATI.....119 West Central Pkwy.

CLEVELAND.....2336 Payne Ave.
DALLAS.....2012-16 Jackson St.
DENVER.....2144 Champa St.
DES MOINES.....1003 1/2 High St.
DETROIT.....2949 Cass Ave.

KANSAS CITY.....1706 Wyandotte St.
LOS ANGELES.....2018 So. Vermont Ave.
MEMPHIS.....500 So. 2nd St.
MINNEAPOLIS.....1105 Currie Ave.
NEW ORLEANS.....1431 Cleveland Ave.

NEW YORK.....630 Ninth Ave.
PHILADELPHIA.....1201-07 Vine St.
SAN FRANCISCO.....168 Goldengate Ave.
ST. LOUIS.....3318 Olive St.
SEATTLE.....2418 Second Ave.

WASHINGTON, D. C.
920 New Jersey Ave., N

Advance Production Chart

(Continued from page 17)

Foster, Robert Vost and Stuart Anthony; based on the novel by Mark Twain; photographed by Ted Tetzlaff. Cast: Donald O'Connor, Billy Cook, Porter Hall, Philip Warren, Janet Waldo, Clara Blandick, Elizabeth Risdon, Edward Pawley, Etta McLaughlin, Oscar Smith, William Haade, Stanley Price, Harry Worth, J. S. Jinks, Clem Bevans, Raymond Hatton, Howard Mitchell, Monte Blue, Roy Van Dusen, Vic Demorelle, Jr., Mordock MacQuarrie, Billy Engle, Eugene Jackson, Robert Homans, Jane Keady, Elsie Bishop, Lew Short, Lon Poff, Albert Hart, Tyler Brooke, Ethel Clayton.

'KING OF CHINATOWN', executive producer, Harold Hurley; associate producer, Stuart Walker; directed by Nick Brinde; screen play by Lillie Hayward and Irving Reis; based on a story by Herbert Eberman; photographed by Leo Tover. Cast: Anna May Wong, Akim Tamiroff, J. Carroll Nash, Anthony Quinn, Roscoe Karns, Bernadene Hayes, Philip Ahn, Sidney Toler, Ray Mayer, Alex Pollard, Sam Ash, Charles Townbridge, Archie Twitchell, George Anderson, Marie Burton, Sheila Darcy, Wong Chung, Richard Denning, Judy King, Dolores Casey, Dorothy Dayton, Paula De Carlo, Harriette Haddon, Helaine Moler, North Gale, Gwen Kenyon, Charles B. Wood, George Magrill, Lily King, Ethel Clayton, Guy Usher.

'LITTLE ORPHAN ANNE', produced by John Speaks; directed by Ben Holmes; screen play by Budd Schulberg, Sam Ornitz, from story by Andre Bohem and Samuel Ornitz; photographed by Fred Redman. Cast: Ann Gillis, Robert Kent, Jane Travis, Ian MacLaren, Margaret Armstrong, J. M. Kerrigan, Dorothy Baughan, James Burke, Charles Wilson, Sara Fadden, Tommy Bupp, Ben Welden, J. Farrell McDonald, Vincent Lombardy, Eddie Gribbon, Dick Rusk.

'DISBARRED', produced by Harold Hurley; directed by Robert Florey; screen play by Lillie Hayward and Robert R. Pressnell from story by Harry Sauber; photographed by Harry Fishbeck. Cast: Gail Patrick, Otto Kruger, Robert Preston, Sidney Toler, Helaine MacKellar, Clay Clement, Edward Marr, Olin Howland.

'AMBUSH', G.M.O. production; associate producer, William Wright; directed by Kurt Neumann; screen play by Laura and S. J. Perelman based on a story by Robert Ray; photographed by William Mellor. Cast: Gladys Swarthout, Lloyd Lanyon, William Fraxley, Ernest Truax, William Henry, Hartley Tufts, Richard Denning, Robert E. Howard, Harry Fleischman, John Hart, Raymond Hatton, Robert Greig, Richard Denning, Clem Bevans, Max Hoffman, Jr., Jim Pierce, Eddie Acuff, Al Hill, Frank Meredith, Ted Oliver, George Melford, Polly Moran, Mary Zehner, Ethel Clayton, Wade Boteler, Archie Twitchell, Dolores Casey, Dorothy White.

'ZAZA' (the 1938 season), produced by George Cukor; screen play by Zoe Akins; from play by Pierre Berthe and Charles Simon; photographed by Charles Lang. Cast: Claudette Colbert, Herbert Marshall, Bert Lahr, Helen Westley, Constance Collier, Genivieve Tobin, Rex Beach, Roy Evans, Robert C. Cooper, Robert C. Cooper, Ernest Cossart, John Sutton, Michael Roemer, Phillip Warlow, Richard Denning, Janet Waldo, Fredrika Brown, Dorothy Dayton, Harriette Haddon, Helaine Moler, Dorothy White, Duncan Renaldo, Hala Linda, Tom Ricketts.

'THE FRONTIERMEN', produced by Harry Sherman; directed by Leslie Selander; screen play by Norman Krasna; photographed by Clarence E. Mulford; additional dialog by Harrison Jacobs; photographed by Russell Harlan. Cast: William Boyd, George Hayes, Russell Hayden, Evelyn Venable, William Duncan, Clara Kimball Young, Charles Hughes, Dickie Jones, Roy Barcroft, Emily Fitzroy, John Beach.

'ARRESTED CONSCIENCE', formerly titled **'SCOTLAND YARD VS. BULLDOG DRUMMOND'** (for 1938-39), produced by Stuart Walker for Harold Hurley unit; directed by James Hogan; original story by H. C. 'Sapper' McNeile; photographed by Ted Tetzlaff. Cast: John Howard, Heather Angel, H. B. Warner, Reginald Denney, E. C. Clive, Elizabeth Patterson, George Zucco, Jean Fenwick, Leonard Mudie, Clyde Cook, David Clyde, Ferdinand Munier, John Rogers.

'SAY IT IN FRENCH', produced and directed by Andrew Stone; screen play by Frederick Jackson from play by Jacques Deval; photographed by Victor Milner. Cast: Ray Milland, Olympe Brenon, Irene Horney, Janet Beecher, Mary Castle, Walter Catlett, Walter Catlett, Holmes Herbert, Gertrude Sutton, Forbes Murray, Billy Daniels, William Collier, Sr., Mona Barrie, George P. Huntley, Billy Lee, Josef P. Swickard, Gwen Kenyon, Jean Fenwick, Grace Goodall, Gus Glassmire, George Hickman, Walter Soderling, Major Sam Haddad, Robert Benedict, George Mackay, Richard Denning, Archie Tuttle, Ruth Rogers, Mark Windheim, Bert Roach, Luana Walters, Joyce Mathews, Harriette Haddon, Byron Foulger, Bernice Pilot, Clara Macklin Blare, Edward Earle, Hooper Atchley, Paul Newlan, George Davis, Ed Cecil, Hayden Stevenson, Dolores Casey, Judy King, Marie Burton, Ethel Clayton, George Cooper, Max Barwyn.

'PARAMOUNT PIX NOW IN PRODUCTION'
'CAFE SOCIETY', produced by Jeff Lazarus; directed by Ed H. Griffith; original and screen play by Virginia Van Upp; photographed by Ted Tetzlaff. Cast: Madeleine Carroll, Fred MacMurray, Shirley Ross, Gillingwater, Allyn Joselyn, Paul Kelly, Mira McKinney. Directed: Plowright, Dorothy Tree, Harlan Briggs, Frances Raymond, Ruth Rogers, Dorothy White.

'PERSONS IN HIDING', G.M.O. production; associate producer, Edward T. Lowe; directed by Louis King; no writing credits released; photographed by Harry Fishbeck. Cast: George Archainbaud, William Henry, Elizabeth Risdon, Richard Carle, Charlotte Wynters, William Fraxley, Judith Barrett, Hartley Tufts, Phillip Warren, Richard Denning, Dorothy Howe, Richard Stanley, John Hart.

'FATHERS ON PROBATION', G.M.O. production; associate producer, William Wright; directed by George Archainbaud; screen play by Laura and S. J. Perelman; based on a story by Lloyd Corrigan and Monte Brice; photographed by Henry Sharp. Cast: Charlie Ruggles, Mary Boland, Joyce Mathews, Donald O'Connor, Billy Lee.

'NEVER SAY DIE', produced by Paul Jones; directed by Elliott Nugent; screen play by Dor Hartman; Frank Butler and Preston Sturges; based on a play by William H. Post; photographed by Leo Tover. Cast: Martha Raye, Bob Hope, Ernest Cossart, Paul Harvey, Alan Mowbray, Siegfried Rumann, Andy Devine.

'UNION PACIFIC', produced and directed by Cecil B. DeMille; associate producer, William H. Pine; location director, Arthur Rosson; no writing credits released; photographed by Victor Milner. Cast: Barbara Stanwyck, Joel McCrea, Robert Preston, Akim Tamiroff, J. Carroll Nash, Lynne Overman, William Haade.

'ARIZONA BRACETS', produced by Harry Sherman; directed by Leslie Selander; based on original story by John Rathmell; additional dialog and sequences by Harrison Jacobs; photographed by Russel Harlan. Cast: William Boyd, Russell Hayden, George Hayes, Charlotte Wynters, Russell Hopton, Sonny Bupp, Jack Rockwell, Roy Barcroft, John Merton, Bob Kortman, and Ken Carson.

'MIDNIGHT', produced by Arthur Hornblow; directed by Mitchell Leisen; no writing credits released; photographed by Charles Lang. Cast: Claudette Colbert, Don Ameche, Francis Lederer, John Barrymore, Mary Astor, Elaine Barby, Hedda Hopper.

'HOTEL IMPERIA', directed by Robert Florey; no writing credits released; photographed by William Mellor. Cast: Isa Miranda, Ray Milland, Reginald Owen, Gene Lockhart, Rudolph Forster, Curt Bois, Michel Werboff, Henry Victor, Spencer Charters, Budol Rosing, Betty Compton, Wolfgang, Zilzer, Egon Brecher, Bert Roach, Augustin Borrato, Paul Eversen, George Magrill, Lee Shumway, Davison Clark, Harry Tenbrook, Paul Kruger, Don Bestor, Chorus.

'BULLDOG DRUMMOND'S SECRET POLICE', G. M. O. production; associate producer, Edward T. Lowe; directed by James Hogan; no writing credits released; photographed by Merritt Gerstad. Cast: John Howard, Heather Angel, H. B. Warner, Elizabeth Patterson, Reginald Denney, E. C. Clive, Leo Castelli, Fostered Harvey, David Clyde, Clyde Cook, Gerald Rogers, Neil Fitzgerald, Elsie Dudgeon, Dutch Hendrian, Dick Rusk.

RKO-Radio

	Number	Number	Now	New Balance to	In Be Placed Stories in
	Pix	Com-	Shoot-	Cutting Before Prepara-	tion
	Promised	pleted	ing	Rooms	Cameras
Studio	50	11	7	3	29
Sol Lesser	3	1	1	0	1
Herbert Wilcox	1	0	0	0	1
Total	54	12	8	4	30

Pictures now in the cutting rooms or awaiting previews are:

'GUNGA DIN' (for 1938-39), produced and directed by George Stevens;

screen play by Ben Hecht and Charles MacArthur; photographed by Joe August. Cast: Cary Grant, Victor McLaglen, Douglas Fairbanks, Jr., Joan Fontana, Eduardo Gineñelli, Sam Jaffe, Montagu Love, Lumsden Hare, Robert Coote, Arner Bienenman.

'PECK'S BAD BOY WITH THE CIRCUS', produced by Sol Lesser; associate producer, Leonard Fields; directed by Edward Cline; no writing credits released yet; photographed by Jack McKenzie. Cast: Tommy Kelly, Alvin Karpis, Edgar Kennedy, Spanky McFarland, Benita Hunt, Fay Helm, William Demarest, Wade Boteler, Grant Mitchell, Nana Bryant, Louise Beaver.

'LAW WEST OF TOMBSTONE', produced by Cliff Reid; directed by Glenn Tryon; screen play by John Twist and Clarence Young; photographed by J. Roy Hunt. Cast: Harry Carey, Anne Shirley, Tim Holt, Evelyn Brent, Alan Lane, Paul Guilfoyle, Bruce Page, Esther Muir, George Irving, Eleanor Hansen, Peggy Carroll, Robert Moya, Jane Woodworth.

'TRAILER ROMANCE', produced by Cliff Reid; directed by Garson Kanin; screen play by Dudley Nichols and John Twist; photographed by Russell Metty. Cast: Lucille Ball, James Ellison, Lee Bowman, Granville Bates, Mantan Moreland, Dick Elliott, Florence Lake, Frank Shannon.

'RKO-Radio Pictures Now in Production'

'THE PURE IN MIND', formerly titled **'SAINTS WITHOUT WINGS'**, produced and directed by P. J. Wolfson; original screen play by Albert Seitz; photographed by Roy Hunt. Cast: Anne Shirley, Roger Daniel, James McCallum, Walter Ward, Charles Powers, John Fitzgerald, Frank Mayo, Paul White, Alan Baxter, Walter Tetley, Arthur Kohl, Norman Willis.

'LOVE AFFAIR', produced and directed by Leo McCarey; no writing credits released; photographed by Rudolph Mates. Cast: Irene Dunne, Charles Boyer, Lee Remick, Maria Ouspenskaya.

'PACIFIC LINE', produced by Robert Sisk; directed by Lew Landers; original by Anthony Coloway and Henry Roberts Symonds; screen adaptation by John Twist; photographed by Nick Musuraca. Cast: Victor McLaglen, Charles Bickford, Alan Dineen, Alan Dineen, Alan Dineen, Paul Guilfoyle, Allan Lane, John Wray, Douglas Walton, Walter Miller.

'THE GREAT MAN VOTES', produced by Cliff Reid; directed by Garson Kanin; original by Gordon Malherbe Hillman; screen play by John Twist; photographed by Russell Metty. Cast: John Barrymore, Peter Holden, Virginia Weidler, Donald MacBride, Bennie Bartlett, Katharine Alexander, Elizabeth Risdon, Granville Bates, Luis Alberni, Clarence Kolb, J. M. Kerrigan.

'THE CASTLES', produced by George Haight; directed by Henry Potter; no writing credits released; photographed by Robert E. Grassy. Cast: Fred Astaire, Ginger Rogers, Walter Brennan, Lew Fields, Eddy May Oliver, Jack Carson, Esther Muir, Janet Beecher, Donald MacBride, Sonny Lamont.

'FISHERMAN'S WHARF', produced by Sol Lesser; directed by Bernard Vorhaus; original screen play by Bernard Schubert, Herbert Clyde Lewis and Ian Hunter; photographed by Charles Schoenbaum. Cast: Bobby Breen, Leo Carrillo, Henry Armetta, Lee Patrick, Tommy Bupp, Rosina Gailie, George Humbert, Leon Belasco, Leonard Klimbrick, Ronny Page, Jack Salling, Milo Marchetti, Jr., Stanton M.

'REARVIEW MIRROR', produced by B. P. Fineman; directed by Glenn Tryon; original story by Edmund L. Hartmann; screen play by Doris Anderson and Paul Jarico; photographed by Frank Redman. Cast: Lucille Ball, Patric Knowles, Donald Woods, Frieda Inescourt, Leona Maricle, Inez Courtney, Frances Mercer, Whitney Bourne, Ann Evers.

'ARIZONA LEGION', produced by Ernest Gilroy; directed by Dave Howard; original by Bernard MacConville; screen play by Oliver Drake; photographed by Harry Wild. Cast: George O'Brien, Laraine Johnson, Carlyle Moore, Tom Chatterton, Glenn Strange.

Republic

	Number	Number	Now	New Balance to	In Be Placed Stories in
	Pix	Com-	Shoot-	Cutting Before Prepara-	tion
	Promised	pleted	ing	Rooms	Cameras
Total	59	9	2	7	41

Pictures in the cutting rooms or awaiting previews:

'SANTA FE STAMPEDE', produced by William Berke; directed by George Sherman; screen play by Luci Ward and Betty Burbridge; original by Luc Ward; photographed by Reggie Lanning. Cast: John Wayne, Ray Corrigan, Monte Blue, George E. Stone, William Farnum, LeRoy Mason, Martin Spellman, Genee Hall.

'COME ON, RANGER', formerly titled **'TEXAS RANGER'**, produced by Charles E. Ford; directed by Joe Kane; original screen play by Gerald Geraghty from Jack Nottetford; photographed by Jack Marta. Cast: Roy Rogers, Mary Hart, William Farnum, J. Farrell McDonald, J. Carroll Nash, Lane Chandler, Bruce Macfarlane, Harry Woods, Lee Powell, Chester Gunnels.

'ORPHANS OF THE STREET', formerly titled **'STRONGHEART'**, produced by Herman Schlom; directed by Irving Pichel; original screen play by Earl Felton; photographed by Ernest Miller. Cast: Tommy Ryan, Robert Livingston, June Storey, Arlene Dahl, Harry Davenport, James Burke, Ralph Morgan, Sidney Blackmer, Victor Kilian.

'HAWK OF THE WILDERNESS' (serial), produced by Robert Beche; co-directed by William Witney and Jack English; no writing credits released yet; photographed by William Nobles. Cast: Herman Brix, Jill Martin, Monte Blue, Ma, Noble Johnson, William Royce, George Eldredge, Snowflake, Dick Wessel, Tom Chatterton, Earl Asker, Jerry Sheldon, Harry Tenbrook.

'WESTERN JAMBOREE', formerly titled **'BLOOM ON THE STAGE'**, produced by Harry Grey; directed by Ralph Staub; screen play by Gerald Geraghty from original by Pat Harper; photographed by William Nobles. Cast: Gene Autry, Smiley Burnette, Jean Rouverol, Frank Daron, Jack Perrin, Jack Ingram, Harry Holman, Ben Hewlett, Ray Teal, Esther Muir, Eddie Dean, Joe Frisco, Edward Roquello, George Walcott, Margaret Armstrong, Kermit Maynard, Frankie Marvin, Davidson Clark.

'RED RIVER RANGER', produced by William Berke; directed by George Sherman; original story by Luci Ward; screen play by Stanley Roberts, Betty Burbridge and Luci Ward. Cast: Polly Moran, Lorna Gray, Kirby Grant, Sammy McKim, Harry Holman, Ben Hewlett, Ray Teal, Esther Muir, Lenore Bushman, Burr Caruth, Roger Williams, Earl Asker, Olin Francis.

'RHYTHM OF THE SADDLE', formerly titled **'RODEO BUSTER'**, produced by Harry Grey; directed by George Sherman; original screen play by Paul Franklin; photographed by Jack Marta. Cast: Gene Autry, Smiley Burnette, Peggy Moran, Pert Kelton, LeRoy Mason.

'REPUBLIC PIX NOW IN PRODUCTION'

'SHINE ON HARVEST MOON', produced by Charles E. Ford; directed by Joe Kane; original screen play by Jack Nottetford; photographed by William Nobles. Cast: Roy Rogers, Mary Hart, William Farnum, Lulu Belle and Scotty, Chester Gunnels, Stanley Andrews, Jack Rockwell, Pat Henning, Frank Jaquet, Joe Whitehead.

'FEDERAL MAN HUNT', produced by Armand Schaefer; directed by Nick Grinde; original by Sam Fuller and William Lively; screen play by Maxwell Smart; photographed by Ernest Miller. Cast: Robert Livingston, Jane Travis, Ben Welden, Horace MacMahon, Gene Morgan, Margaret Mann, Charles Halton, Sybil Harris, John Gallaude, Jerry Tucker, Matt McHugh, Frank Conklin.

20th Century-Fox

	Number	Number	Now	New Balance to	In Be Placed Stories in
	Pix	Com-	Shoot-	Cutting Before Prepara-	tion
	Promised	pleted	ing	Rooms	Cameras
Total	55	20	6	5	24

Pictures in the cutting rooms or awaiting previews are:

'GIRL FROM BROOKLYN', formerly titled **'BY THE DAWN'S EARLY LIGHT'** (for 1938-39 season), produced by Edward Kaufman; screen play by Gregory Ratoff; photographed by George Haight. Cast: Karl Freund, Cast: Warner Baxter, Alice Faye, Charles Winninger, Keye Luke, Arthur Treacher, Willie Fung, Doris Lloyd, Leonid Snegoff.

'EVERYBODY'S BABY', produced by John Stone; directed by Malcolm St. Clair; screen play by Karen DeWolf, Robert Chapin, Frances Hyland and Albert Ray; from original by Hilda Stone and Betty Reinhardt; photographed by Edward S. Sedgwick. Cast: Fred Frey, Shirley Deane, Spring

(Continued on page 21)

SUIT AGAINST TOY PIC MACHINE TOSSED OUT

Los Angeles, Nov. 15. Adelaide Halperin's \$3,500,000 copyright infringement suit against Hearst Publications, Pepsodent Co., Lord & Thomas and Walt Disney was dismissed in Federal Court. Alleged infringement consisted of display ad used in newspapers captioned 'Pepsodent's motion picture machine, with two sets of colored pictures featuring Walt Disney's 'Snow White and the Seven Dwarfs.' Suit also charged infringement in the manufacture of toy motion picture machines, given away in connection with Pepsodent's radio program, handled by Lord & Thomas.

Miss Halperin claimed she copyrighted a 'Tiny Tot Revue' picture machine in 1930, similar to the Pepsodent toy.

Brothers in U. S. Deal For Boulder Dam Film Mileage

Boulder City, Nev., Nov. 15. Earl Brothers, who some time ago acquired the interest in the Boulder theatre, held by Milton Arthur Cabart, has a deal with the U. S. Government whereby he is distribution and sales representative for the miles of motion pictures taken in the Boulder Dam project. Film is turned out in 8mm, 16mm, and 35mm. dimensions, with the buyers principally being schools and colleges where it is used as part of the curriculum.

In a tieup with the Government, Brothers operates the Boulder Dam service bureau where pictures of the dam from beginning to completion are run continuously, free of charge.

Brothers regularly operates the Boulder theatre, with a single bill policy, four changes per week at 35c top. Population of the district is about 1,800, which includes a large group of CCC workers.

Sears Drive Set

A 16-weeks' sales drive, similar to that conducted last year and again dedicated to Grad Sears, sales chief, has been set by Warner Bros., with Hal Wallis sitting in on details prior to his departure for the Coast Saturday (12). Campaign will start Christmas Day, Dec. 25, and close April 18, 1939, with drive to encompass features, shorts, accessories, trailers, etc. Prizes to district and branch managers will total \$25,000.

Carl Leserman will act as co-ordinator of the drive, as he has done during the past two years when they have been held by this company.

Ray Haines, Eastern-Canadian sales manager, conferred with his district chiefs over the weekend to set up plans for his territory, while Ben Kalmenson left for Chicago to do the same for the South and West.

Would Org. Mgrs.

Philadelphia, Nov. 15. Move reported under way here by the Projectionists' Union to organize house managers in this territory. Similar attempt was made about a year and a half ago without marked success, although simultaneous drive on other house employees netted a considerable number of new union members. Understood both circuit and indie managers are being sought in the present organization campaign.

Metro's Musical Shorts

Hollywood, Nov. 15. Jack Chertok produces two reel musicals at Metro this week, 'Three Kings and a Queen' and 'Happy Buried.' Stanley Rauh and Will Jason wrote the script and songs for 'Three Kings.' Jack Woodford scripted 'Buried,' with music by Chet Forrest and Bob Wright.

Grinding Out MG Shorts

Hollywood, Nov. 15. Two Pete Smith specials and two shorts get under way at Metro this week.

Smith pictures are 'Weather Hazards' and 'The Wrong Way in a Pose.' Others are 'The Wrong Way in a Pose,' 'Crime does not pay briefs,' and 'Am I to Blame?' one of the 'Passing Parade' series.

BROTHER RAT

with
PRISCILLA LANE
WAYNE MORRIS

and
JOHNNIE DAVIS • JANE BRYAN • EDDIE ALBERT
RONALD REAGAN • JANE WYMAN • HENRY O'NEILL

Directed by **WILLIAM KEIGHLEY**

Screen Play by Richard Macaulay and Jerry Wald • From the Play by **JOHN MONKS, Jr.**
and **FRED F. FINKLEHOFF** • A First National Picture



**EVERY NEW
ENGAGEMENT SHOWS
IT'S 'FOUR DAUGHTERS'
BIG 'BROTHER'!**

The Holdovers! New Ones Daily!

Memphis, Baltimore, Philadelphia,
Dayton, Seattle, Louisville, Boston,
New York (3rd week), Albany,
Cleveland, Newark, Jersey City,
New Haven, Bridgeport, Hartford,
Worcester, Springfield, Washington.



Such a Mop Up! It's Even Greater than You Dreamed!

WARNERS—Producers

Advance Production Chart

(Continued from page 19)

Byington, Russell Gleason, Ken Howell, George Ernest, June Carlson, Florence Roberts, Billy Mahan, Hattie McDaniel, Marvin Stephens, Claire Dubrey.

'JESSE JAMES' (for 1938-39, in Technicolor), produced by Nunnally Johnson; directed by Henry King; original screen play by Nunnally Johnson; photographed by George Barnes. Cast: Tyrone Power, Henry Fonda, Nancy Kelly, Walter Brennan, John Carradine, J. Edward Bromberg, Brian Donlevy, Douglas Fowley, Jane Darwell, Donald Meek, Ernest Whitman.

'KENTUCKY' (in Technicolor), produced by Gene Markay; directed by David Butler; screen play by Lamar Trotti and John Taintor; based on novel, 'Look ye Eagles,' by John Taintor; photographed by Ernest Palmer. Cast: Loretta Young, Richard Greene, Walter Brennan, Ralph Morgan, Willard Robinson, Douglas Dumbleville, James West, Charles Waldron, Karen Morley, Ward Robinson, Moroni Olsen.

'THANKS FOR EVERYTHING', produced by Harry Joe Brown; directed by William A. Seiter; music and lyrics by Mack Gordon and Harry Revel; screen play by Harry Tugend; adaptation by Curtis Kenyon and Art Arthur; based on story by Gilbert Wright; photographed by Lucien Andrieu. Cast: Jack Oakie, Adolphe Menjou, Jack Haley, Arleen Whelan, Binnie Barnes, Tony Martin, Herman Bing, Gregory Gaye.

20th-Fox Pix New in Production

'THE LITTLE PRINCESS' (in Technicolor), produced by Gene Markay; directed by Walter Lang; screen play by Ethel Hill and Walter Ferris; based on novel by Frances Hodgson Burnett; photographed by Arthur Miller; Technicolor photography by William Skall. Cast: Shirley Temple, Richard Greene, Anita Louise, Ian Hunter, Cesar Romero, Arthur Treacher, Mary Nash, Sybil Jason, Miles Mander; Marcia Mae Jones, Deidre Gale, Ira Stevens.

'TAIL SPIN', produced by Harry Joe Brown; directed by Roy Del Ruth; original screen play by Frank Wed; photographed by John Messall. Cast: Alice Payne, Constance Bennett, Nancy Kelly, Joan Davis, Charles Farrell, Jane Wyman, Kane Richmond, Wally Vernon, Joan Valerie, Robert Lowery, Edward Norris, J. Anthony Hughes, Jack Pennick, Warren Hymer.

'THE THREE MUSKETEERS', produced by Raymond Griffith; directed by Allan DWAN; music and lyrics by Sid Kuller, Ray Golden, Walter Bullock and Samuel Pokras; screen play by M. M. Musselman, Wm. A. Drake and Sam Hellman; special Ritz Brothers material by Sid Kuller and Ray Golden; photographed by Percey Markey. Cast: Ritz Brothers, Don Ameche, Gloria Stuart, Pauline Moore, Binnie Barnes, Joseph Schildkraut, John Carradine, John King, Lionel Atwill, Douglass Dumbleville, Miles Mander, Russell Hicks.

'WIFE, HUSBAND AND FRIEND', produced by Nunnally Johnson; directed by Gregory Ratoff; no writing credits released; photographed by Ernest Palmer. Cast: Loretta Young, Warner Baxter, Binnie Barnes, George Barbier, Eugene Pallette, Franklin Parker, J. Edward Bromberg, Helen Westley, Ruth Terry, Harry Rosenthal, Edward Coover, Iva Stewart, Alice Armand, Dorothy Dearing, Jack Griffith, Helen Ericson.

'DANGEROUS CARGO', produced by Sol M. Wurtzel; directed by Ricardo Cortez; no writing credits released; photographed by Virgil Miller. Cast: Preston Foster, Lynn Bari, Wally Vernon, Henry Wilcoxon, Joan Woodbury.

'CHARLIE CHAN IN HONOLULU', produced by John Stone; directed by H. Bruce Humberstone; no writing credits released. Cast: Sidney Toler, Phyllis Brooks, Eddie Collins, Claire Dodd, George Zucco, Robert Barrat, Marc Lawrence, Richard Lane, John King, Sen Yung.

United Artists

	Number of Flix Promised	Number Completed	Now Shoot- ing	New Balance to in Be Placed Stories in Cutting Before Prepara- tion	Rooms	Cameras	Prepara- tion
Samuel Goldwyn	4	1	0	1	0	0	0
Selznick	2	1	0	1	0	0	0
Walter Wanger	2	0	1	1	0	0	0
Chaplin	1	0	0	0	1	1	1
Roach	1	0	0	0	0	0	0
London Films	5	2	0	0	3	3	3
Edward Small	5	0	0	1	4	4	4
Total	23	5	2	4	22	22	22

Pictures in the cutting room or awaiting previews are:

'TRADE WINDS', produced by Walter Wanger; directed by Tay Garnett; screen play by Dorothy Parker, Alan Gelfand and Frank R. Adams from original story by Tay Garnett; photographed by Rudolph Mate. Cast: Fredric March, Joan Bennett, Ralph Bellamy, Ann Southern, Alan Baxter, Robert Emmett O'Connor, Patricia Farr, Wilma Francis, Jack Linaker, Dorothy Tree, Phyllis Gray, Walter Bryon, Wilson Penge, Harry Paine, Hooper Atchley, Franklin Parker, Lee Phelps, John Webb Dillion, Dick Rush, Mrs. Sojin, Gloria Youngblood, Ethelreda Leopold, Marie DeForest, Earl Wallace, Princess Luana, Paulita Ariviku, Iko Magara, Suzanne Kaaren, Lotus Liu, Robert Elliott, Sidney Blackmer.

'TOPPER TAKES A TRIP', produced by Milton H. Bren for Hal Roach; directed by Norman Taurog; screen play by Jack J. Lewis and Edwin Moran from the Thorpe Smith novel; photographed by Norbert Brodine. Cast: Constance Bennett, Roland Young, Billie Burke, Alan Mowbray, Verree Teasdale, Alexander D'Arcy, Franklin Pangborn, Leon Belasco, Irving Pichel.

'MADE FOR EACH OTHER', produced by David O. Selznick; directed by Norman Crasna; screen play by Jo Stewart; photographed by Leon Shamroy. Cast: Carole Lombard, George Stewart, Lucile Watson, Donald Briggs, Charles Coburn, Arthur Hoyt, Ruth Weston, Nella Walker, Harland Briggs, Mickey Rentschler, Esther Dale, Edwin Maxwell, Tully Marshall.

'DUKE OF WEST POINT', produced by Edward Small; directed by Alfred E. Green; original screen play by George Bruce; photographed by Robert Plonck; screen play by George Bruce; photographed by Robert Plonck. Cast: Lee Harvey, John Hayward, John Brown, Richard Carlson, Alan Curtis, Jonathan Hale, Gaylord Fendleton, Donald Barry, George McKay, Lane Chandler, William Bakewell.

United Artists Pix New in Production

'STAGECOACH', produced by Walter Wanger; directed by John Ford; screen play by Dudley Nichols from story by Ernest Haycox; photographed by Bert Glennon. Cast: Claire Trevor, John Wayne, Andy Devine, George Baroff, John Carradine, Donald Meek.

'IT'S SPRING AGAIN', produced by Hal Roach by A. Edward Sutherland; based on story, 'Zenobia's Infidelity,' by H. C. Bunner; photographed by Karl Struss. Cast: Oliver Hardy, Harry Langdon, Alice Brady, Billie Burke, Jean Parker, June Lang, James Ellison, Stepin Fetchit, Hattie McDaniel.

Universal

	Number of Flix Promised	Number Completed	Now Shoot- ing	New Balance to in Be Placed Stories in Cutting Before Prepara- tion	Rooms	Cameras	Prepara- tion
Total	48	15	4	11	18	18	18

Pictures in the cutting room or awaiting previews:

'SWING THAT CHEER' (for 1938-39), produced by Max Golden; directed by Harold Schuster; story by Thomas Ahearn and F. Maury Grossman; screen play by Charles Grayson; photographed by Elwood Bredell. Cast: Tom Brown, Andy Devine, Robert W. Helmer, Lucille LaVerne, Stanley Hughes, Sammie S. Hinds, Ray Parker, Ernest Truex, 'Doodles' Weaver, Margaret Early.

'HIS EXCITING NIGHT', formerly titled 'ADAM'S EVENING,' produced by Ken Goldsmith; directed by Gus Meins; original by Katherine Kavanagh; photographed by Henry Sharp. Cast: Charles Ruggles, Maxie Rosenbloom, Marcia Lane, Ana Munson, Georgia Kaine, Raymond Carter, Frances Robinson, Richard O'Neil, Betsy Baker, Stepin Fetchit, Stanley Hughes, Regis Toomey.

'BUCK ROGERS' (serial), produced by Barney Sarecky; co-directed by Ford Beebe and Saul Goodkind; screen play by Norman Hall and Ray Trampe from cartoon strip by Dick Calkins and Phil Nolan; photographed by Jerry Ash. Cast: Larry Crabbe, Constance Moore, Reed Howes,

Wheeler Oakman, Jackie Moran, Carleton Young, Henry Brandon, Philson Ahn.

'LITTLE TOUGH GUYS IN SOCIETY', produced by Max H. Golden; directed by Erle Kenton; original screen play by Edward Eliscu and Mortimer Offner; photographed by George Robinson. Cast: Mary Boland, Edward Everett Horton, Misha Auer, Heck Pathy, Jack Seal and Little Tough Guys — Frankie Thomas, Hally Chester, Harris Berger, Charles Duncan, David Gorcey and William Benedict.

'SCOUTS TO THE RESCUE', formerly titled 'THE EAGLE SCOUT' (serial), produced by Henry MacRae; co-directed by Ray Taylor and Alan James; original story by J. Irving Crump; screen play by Wyndham Gilts; photographed by George Plymton, Basil and Joseph Poland; photographed by William Sickner. Cast: Jackie Cooper, Lucy Gilman, William Ruhl, David Durand, Ralph Dunn, Frank Coghlan, Jr., Sidney Miller, Jason Robards, Victor Adams, Richard Botiller, Bill Cody, Jr.

'THE LAST WARNING', formerly titled 'THE DEAD DON'T CARE,' Crime Club production; produced by Irving Starr; directed by Al Rogell; screen play by Edmond L. Hartmann from novel by Jonathan Latimer; photographed by George Meehan. Cast: Preston Foster, Frank Jenks, Frances Robinson, Kay Linaker, Joyce Compton, E. E. Clive, Orville Caldwell, Alfred Dekker.

'HONOR OF THE WEST', formerly titled 'SINGING SHERIFF,' produced by Trem Carr; associate producer, Paul Malvern; directed by George Waggoner; original story by Joseph West; photographed by Harry Neumann. Cast: Bob Baker, Marjorie Bell, Carleton Young, Jack Kirk, Glenn Strange, Forrest Taylor, Frank Ellis.

'PIRATES OF THE SKIES', formerly titled 'PLANE 66,' produced by Barney Sarecky; directed by Joe McDonough; screen play by Lester Cole and Ben Grauman Kohn from original story by Lester Cole; photographed by Jerry Ash. Cast: Kent Taylor, Rochelle Hudson, Marion Martin, Lucille Littlefield, Stanley Andrews, Horace MacMahon, Ray Walker, Frank Puglia, Guy Usher, Eddie Chandler, Henry Brandon, John Harmon.

'EXPOSED', produced by Max H. Golden; directed by Harold Shuster; screen play by Charles Kaufman and Franklin Coen; photographed by Stanley Cortez. Cast: Glenda Farrell, Otto Kruger, Herbert Mundin, David Oliver, Charles B. Brown, Lorraine Krueger, Chester Clute.

'STRANGE FACES', produced by Burt Kelly; directed by Errol Taggart; screen play by Charles Grayson from original story by Cornelius Reece and Arndt Giusti; photographed by Elwood Bredell. Cast: Dorothea Kent, Frank Jenks, Andy Devine, Leon Ames, Mary Trean.

'PHANTOM STAGE', produced by Trem Carr; directed by George Waggoner; original story by Joseph West; photographed by Harry Neumann. Cast: Bob Baker, Marjorie Reynolds, George Cleveland, Forrest Taylor, Reed Howes, Murdock McQuarrie, Glenn Strange, Frank Ellis, Ernie Adams, Jack Kirk.

Universal Pix New in Production

'SON OF FRANKENSTEIN', directed by Rowland V. Lee; original screen play by Willis Cooper; photographed by George Robinson. Cast: Ed Geheone, Boris Karloff, Bela Lugosi, Lionel Atwill, Josephine Hutchinson.

'SWING, SISTER, SWING', produced by Burt Kelly; directed by Joseph Santly; original screen play by Charles Grayson based on story by Burt Kelly; photographed by Elwood Bredell. Cast: Ken Murray, Kathryn Kane, Johnny Downs, Eddie Quillan, Ernest Truex, Ted Weems and orchestra, Edna Sedgwick, Nana Bryant, Esther Howard, Herbert Heywood, Emmett Vogan.

'GAMBLING SHIP', formerly titled 'LADY LUCK,' produced by Irving Starr; directed by Aubrey Scotto; screen play by Alex Gottlieb; photographed by George Meehan. Cast: Robert Wilcox, Helen Mack, Ed Brady, Joseph Sawyer, Selmer Jackson, Sam McDaniel.

'NEWSBOYS' HOME', produced by Ken Goldsmith; directed by Harold Young; original by Gordon Kray; screen play by Gordon Kray and Charles Grayson; photographed by Milton Krasner. Cast: Jackie Cooper, Edmund Lowe, Wendy Barrie, Elisha Cook, Jr., Joe Crehan, William Gould, Edward Norris and the Little Tough Guys—Harris Berger, Hally Chester, Charles Duncan, David Gorcey and William Benedict.

Warners

	Number of Flix Promised	Number Completed	Now Shoot- ing	New Balance to in Be Placed Stories in Cutting Before Prepara- tion	Rooms	Cameras	Prepara- tion
Total	52	7	1	14	23	23	23

Pictures in the cutting rooms or awaiting previews are:

'BLACKWELLS ISLAND', produced by Bryan Foy; directed by William M. Cagney; original story by William M. Cagney, William M. Cagney, Mary Conway by Sid Hickox. Cast: John Garfield, Rosemary Lane, Morgan Conway, Peggy Shannon, Dick Purcell, Lottie Williams, Stanley Fields, Charley Foy, Norman Willis, Granville Bates, Raymond Barley, Jimmy O'Gatty, Wade Boteler, William Davidson, Walter Young.

'THE MADE ME A CRIMINAL', produced by Benjamin Glazer; directed by Busby Berkeley; screen play by Sie Hertz from original story by Millhauser and Beulah Day; photographed by James Howe. Cast: John Garfield, Gloria Dickson, Beulah Bondi, Claude Rains, Billy Halop, Huntz Hall, Leo Gorcey, Gabriel Dell, Bobby Jordan, Bernard Punsley.

'LOVE BITES MAN', formerly titled 'UNITED TO PRINT,' produced by Saul Bischoff; directed by James Frawley; screen play by Earl Baldwin, Niven Busch, Lawrence Kimble and Robert Buckner from original story by Saul Elkins and Sally Sandlin; photographed by Charles Rosher. Cast: Pat O'Brien, Joan Blondell, Bobby Jordan, Alan Baxter, Joe Cunningham, Douglas Dumbleville, Armand Kaliz, Ed Dearing.

'DEVIL'S ISLAND', formerly titled 'RETURN OF DR. X,' produced by Bryan Foy; directed by William Cagney; no writing credits released as yet; photographed by George Barnes. Cast: Boris Karloff, Leonard Mudie, Frank Reicher, James Stephens, Pedro De Cordoba, Nat Carr, Tom Wilson, Sidney Bracy, Stuart Holmes, Dino Corrado, John Harman.

'NANCY DREW—DETECTIVE', formerly titled 'PASSPORT TO LARKSPUR LANE,' produced by Bryan Foy; directed by William Cagney; no writing credits released as yet; photographed by George O'Connell. Cast: Bonita Granville, Frankie Thomas, John Little, John Ridgely, Richard Bond, Frank Mayo, Jack Mower, Helena Phillips Evans, Frank Orth.

'WOMEN IN THE WIND', produced by Bryan Foy; directed by John Farrow; screen play by Lee Katz and Albert DeMond from novel by Francis Walton. Cast: Kay Francis, William Gargan, Victor Jory, Maxie Rosenbloom, Sheila Bromley, Harvey Stephens, Frankie Burke, Frank Faylen.

'GOING PLACES', produced by Barney Glazer; directed by Ray Enright; screen play by Maurice Leo, Jerry Wald, Sig Herzig; photographed by Arthur Todd. Cast: Dick Powell, Anita Louise, Allen Jenkins, Walter Catlett, Minna Gombell, Thurston Hall, Hal Huber.

'DAWN PATROL', produced by Robert Lord; directed by Edmund Goulding; original screen play by Seth I. Miller and Don Talbot. Cast: Errol Flynn, Melville Cooper, Basil Rathbone, Rodin Rathbone, David Niven, Barry Fitzgerald, James Stephenson, Michael Brooke, Stuart Hall, Norton Lowater.

'KING OF THE UNDERWORLD', formerly titled 'UNLAWFUL,' produced by Bryan Foy; directed by Lew Seiler; screen play by George Bricker; original screen play by Seth I. Miller and Don Talbot. Cast: Humphrey Bogart, John Eldredge, Jessie Busfield, Harles Fox, Joe Devlin, Penny Singleton.

'HEART OF THE NORTH' (in Technicolor), produced by Bryan Foy; directed by Lewis Seiler; screen play by Robert Rossen, Vincent Sherman and Lee Katz from novel by William Byron Mowery; photographed by L. William O'Connell. Cast: Dick Foran, Margaret Lindsey, Gloria Dickson, Janet Chapman, Patric Knowles, Allen Jenkins, James Stephenson, Alec Harford, Russell Simpson, Gordon Hart, Pedro de Cordoba, Jack Mower, John Harman, Anthony Averill, J. Crawthors.

'WINGS OF THE NAVY', produced by Lou Edelman; directed by Lloyd Bacon; original screen play by Michael Fessier; photographed by Arthur Rosson; photographed by Sid Hickox. Cast: Francis Ford, John Payne, Frank McHugh, John Ridgely, Henry O'Neill, John Little, Regis Toomey, Donald Briggs, Max Hoffman, Jr., John Galloway.

'TORCHY IN CHINATOWN', produced by Bryan Foy; directed by William Beaudine; screen play by George Bricker; photographed by Warren Lynch. Cast: Glenda Farrell, Barton MacLane, Henry O'Neill, Tom Kennedy, Janet Shaw, Dick Bond, Patric Knowles, James Stephenson, Andy

(Continued on page 24)

Extras' Union

(Continued from page 5)

the workers, the qualified extra players, want a union of workers of the extra, by the extra, and for the extra, and propose to exercise their legal rights under the National Labor Relations Act.

Dahlen and Taylor in their petition, charge a conspiracy exists between Producers, Screen Actors Guild and Central Casting Corp. They charge that the SAG was fraudulently designated as bargaining agent for the actors, and that more than \$1,000,000 has been collected in dues and fees since May 15, 1937, of which all but \$100,000 has been unlawfully disbursed.

List Loss of Rights

Petition charges that extras have no vote or voice in affairs of Guild, "except to pay dues and fees as set by the Senior Guild. Petitioners claim that as result of alleged conspiracy, following unlawful acts of interference with a restraint of the rights of the Junior Guild and the actor employees; the extras lost the following rights:

- 'The right to strike.
- 'The right to vote or choose a collective bargaining agent.
- 'The independent right to engage in a concerted movement of any character or kind, or to initiate any movement of any character or kind for their own mutual benefit and protection.
- 'The independent right to fix or regulate fees and dues of their membership in said Junior Guild, and to make rules or regulations governing the affairs of the administration of the Junior Guild.

'The right to limit the membership of said Junior Guild, and the right to regulate and control the disbursement of the funds derived from said membership.

'The right to regulate the salaries of officers, employees or help of the Junior Guild.

'The Actor employees' rights in the membership of said Junior Guild, under the circumstances, herein set forth, as a requisite to employment by said producer and the industry of which it is a part.

'That said Junior Guild was further interfered with and has been exploited by building large membership, increasing the dues and fees, therefore the membership, exacting the demand for the employees in the industry by more than \$500 and the total amount of money received from fees and dues exceeds \$1,000,000 since the 15th day of May, 1937, most of which has been unlawfully disbursed, and approximately \$100,000, and more than 6,500 members have not and never will benefit from said membership, and all of which was said, is discriminatory to said members' rights, and the actor employees of said industry, and terminates unrest and strikes.'

No Guild Opposition

Kenneth Thomson, executive secretary of the SAG; and other Guild leaders indicated the SAG would not oppose an NLRB election to designate a bargaining representative for the extras provided such a request was made by a substantial and representative group of players. They pointed out, however, that 30% of extras could force an election in the SAG, and that the extras could withdraw from the organization if 51% of membership voted for it.

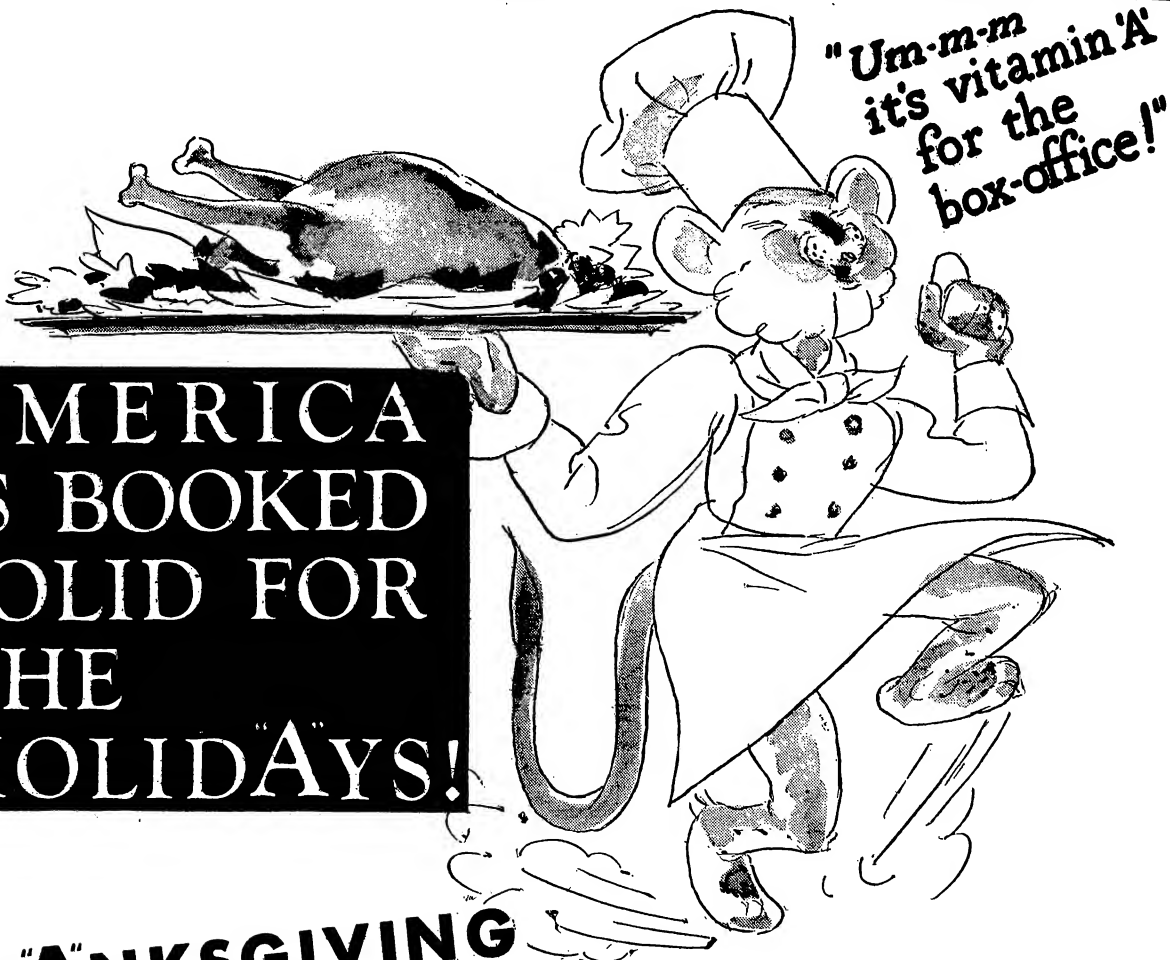
Charles Brackett has been elected president of the Screen Writers Guild. He succeeds Dudley Nichols, who had piloted SWG since its reorganization. Philip Dunne was named vice-president, Maurice Rapf, secretary, and Ring Lardner, Jr., treasurer.

The new SWG executive board is composed of the following members: Charles Brackett, Philip Dunne, Gilbert G. Birch, Sheridan Giffney, Dashiell Hammett, Lillian Hellman, Boris Inster, Ring Lardner, Jr., Mary C. McCall, Jr., Dudley Nichols, Laura Perelman, Maurice Rapf, Budd Schulberg, Donald Ogden Stewart, Anthony Veiller, and David Hertz. Henry Myers, Frank Partos, Gertrude Purcell and Wells Root.

SWG members voted to readjust dues to provide lighter assessment for small-salaried screenwriters. Regular dues remains at \$10 per year, but minimum assessment was lowered from \$30 to \$14.

The maximum assessment of \$200 a year will now apply to writers earning \$60,000 a year instead of \$80,000.

John Grey, retiring treasurer, submitted a financial report which disclosed that members are now paying their dues.



AMERICA
IS BOOKED
SOLID FOR
THE
HOLIDAYS!

THANKSGIVING

NEW YEAR'S



THE FOLKS ARE BACK!

The greatest enjoyment you can have in a motion picture theatre is a visit with the happy Hardy Family. To share their joys and heartaches, to howl with Mickey, to sigh with Sister's youthful romances, to open your heart to the Judge and his kinfolk — these have brought the Hardys close to all Americans. It is a pleasure to announce that their new picture is more delightful than those which have gone before — a merry, hilarious, thrill-filled entertainment.

OUT WEST WITH THE HARDYS

with
LEWIS STONE · MICKEY ROONEY
CECILIA PARKER · FAY HOLDEN

Screen Play by Kay Van Riper, Agnes Christine Johnson and William Ludwig
Directed by George B. Seltz
A Metro-Goldwyn-Mayer Picture



COMING! The most exciting
drama since "Huge Bear"
PAULETTE GODDARD
"DRAMATIC SCHOOL"

Again the
LION ROARS

METRO-GOLDWYN-MAYER PROUDLY PRESENTS
THE SEASON'S GALA HIT!
Everybody's Raving! Everybody's Singing! Everybody's Cheering!

Jeannette MacDonald Nelson Eddy in VICTOR HERBERT'S SWEETHEARTS



VICTOR HERBERT Love Songs!
Thrilling melodies by the composer of
"Naughty Marietta"! Hear your sing-
ing sweethearts blend their voices in
"Mademoiselle"
"On Parade"
"Wooden Shoes"

"Every Lover Must Meet His Fate"
"Summer Serenade"
"Putty At A Pinch"
"Sweetheart"

A CAST OF FUNSTERS!



From left to right—garrulous Herman Bing, hilarious Frank Morgan, nimble-footed Ray Bolger, and Mischa Auer, that straight-faced, merry man... plus lovely Florence Rice in the background for extra romance!



HEAVEN MADE THIS MATCH!
Their greatest musical romance! Thrilling as they were in "Rose Marie" and "Maytime", you've never seen (or heard) Jeannette MacDonald and Nelson Eddy wring your heart! Their love-story will charm you as never before! They're breath-taking in Technicolor.



BRAINS AT THE HELM!

Produced by Hunt Stromberg. Directed by W. S. Van Dyke II. They're still talking bows for "Marie Antoinette"—and who can forget their "Naughty Marietta" and all their other great hits!

IT'S ENTIRELY IN BEAUTIFUL
TECHNICOLOR!



A feast for the eyes! Dazzling spectacle becomes even more superb by the magic of Technicolor! Wait until you see the colorful "tulip scene" and other eye-filling spectacles!

A Metro-Goldwyn-Mayer Picture with
FRANK MORGAN
RAY BOLGER
FLORENCE RICE
MISCHA AUER
HERMAN BING
REGINALD GARDINER

Screen Play by Dorothy Parker and Alan Campbell
Directed by W. S. VAN DYKE II
Produced by HUNT STROMBERG

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRI.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
9/9/38	THE LADY OBJECTS COLORADO TRAIL BOY'S TOWN STARLIGHT OVER TEXAS IN OLD MEXICO AFFAIRS OF ANNABEL SAFETY IN NUMBERS PERSONAL SECRETARY SECRETS OF AN ACTRESS	Wm. Perlberg Col John Considine MGM Ed Finney MGM Harry Sherman Par Lou Lusty RKO John Stone 20th Max H. Golden U David Lewis WB	Col Col MGM MGM Mono RKO 20th U WB	Com-Rom Western Drama Western Western Comedy Comedy Drama Rom-Dr	G. Stuart-L. Ross C. Starrett-L. Meredith S. Tracy-M. Rooney-Hull Tex Ritter-C. LaRoux V. Boyd-G. Hayes J. Oakie-L. Ball C. Frouty-S. Byington W. Gargan-J. Hodges E. Francis-G. Brent	Erle C. Kenton Sam Nelson N. Turog Al Herman Edw.D. Venturini Ben Stollott Clair O'Brien Otis Garrett Wm. Keighley	63 10/5 96 11/2 56 9/7 58 9/21 62 9/28 73 8/10 55 8/7 62 9/28 79 10/12	
9/16/38	JUVENILE COURT TOO HOT TO HANDLE MEXICAN KID KING ALCATRAZ THE RENEGADE RANGER HOLD THAT COWBOY THE BLACK BANDIT VALLEY OF GIANTS	Col L. Weingarten MGM Robt. Tansey MGM Par Bert Gilroy RKO D. Hempstead 20th Trem Carr U Lou Edelmann WB	Col MGM MGM MGM RKO RKO U WB	Drama Com-Dr Western Drama Western Rom-Com Western Outdoor	P. Kelly-R. Hayworth-Darre Gable-Loy-Carrille J. Randall-W. Barry G. Patrick-L. Nolan-Nalsh G. O'Brien-R. Hayworth J. Barrymore-G. Murphy Bob Baker-M. Reynolds W. Morris-C. Trever	D. R. Lederman Jack Conway Wallace Fox R. Bretherton David Howard Geo. Marshall Geo. Wagner Wm. Keighley	68 9/14 108 9/21 55 9/7 55 10/5 80 9/28 69 9/21 75 8/17	
9/23/38	STRANGER FROM ARIZONA WANTED BY POLICE CAMPUS CONFESSIONS FUGITIVE FOR NIGHT PRAIRIE MOON TIME OUT FOR MURDER ROAD TO RENO FOUR DAUGHTERS	Monroe Shaff Col Lindsay Parsons Mono Par Lou Lusty RKO Harry Grey Rep Sol Wurtzel 20th Ed Granger U Ben Glazer WB	Col Mono Mono RKO Rep 20th U WB	Western Comedy Football Comedy Western Meller Com-Dr Com-Dr	B. Jones-D. Fay Darro-E. Knapp B. Grable-H. Lubetti F. Albertson-E. Lyons G. Aubrey-S. Burnette H. Stuart-H. Wadsworth R. Scott-H. Hampton Frisella-Rosemary-Lane	Elmer Clifton H. Bretherton G. Archinbaud Leslie Goodwins Ralph Staub H. Stuart-H. Wadsworth S. Sylvan Simon Michael Curtiz	55 9/21 49 8/28 58 9/14 73 9/7 68 10/5 59 8/17	
9/30/38	GIRL'S SCHOOL YOU CAN'T TAKE IT WITH YOU MAN WITH 100 FACES VACATION FROM LOVE SONS OF THE LEGION ROOM SERVICE OVERLAND STAGE RAIDERS DOWN IN ARKANSAS STRAIGHT, PLUMS AND SHOW DRUMS YOUTH TAKES FLING GARDEN OF THE MOON	Samuel Marx Col Frank Capra Col A. Hitchcock GB MGM Par P. S. Bernan RKO Wm. Berke Rep Armand Schaefer Rep D. Hempstead 20th Alex. Korda UA Joe Pasternak U Lou Edelmann WB	Col Col GB MGM Par RKO Rep Rep 20th UA U WB	Com-Rom Comedy Drama Comedy Com-Dr Com-Dr Com-Dr Western Drama Com Drama Com-Dr Mus-Rom Comedy	A. Shirley-L. Grey-Bellamy J. Arthur-L. Barrymore-J. Stewart L. Palmer-T. Walls D. O'Keefe-E. Rice D. O'Connor-R. Lee-B. Cook Marx Bros.-L. Ball Three Mesquiteres E. Byrd-Weaver Bros. Rite Bros.-R. Arlen Sabu-R. Massey-R. Livesey J. McCre-A. Leeds F. O'Brien-J. Payne-M. Lindsay	John Brahm Frank Capra A. Hitchcock G. Fitzmaurice Jas. Hogan Wm. Seiter Geo. Sherman Nick Grinde David Butler Zoltan Korda Archib Mayo Tushy Berkeley	71 9/28 129 9/7 72 11/2 65 10/5 69 10/5 75 9/28 55 10/12 65 10/5 101 4/20 78 9/28 94 9/21	
10/7/38	CRIME TAKES HOLIDAY WEST OF THE SANTA FE STABLEMATES MR. WONG, DETECTIVE TOUCHDOWN, A STORY MR. DOODLE KICKS OFF THE NIGHT HAWK MEET THE GIRLS THAT CERTAIN AGE BROADWAY MUSKETEERS	Col Col Harry Rapf MGM W. T. Lackey Mono Par Bob Sisk RKO Herman Schlom Rep Howard J. Green 20th Joe Pasternak U Bryan Foy WB	Col Col MGM MGM Mono RKO Rep Rep 20th U WB	Meller Western Com-Dr Mystery Football Football Com Comedy Mus-Rom Comedy	J. Holt-M. Ralston C. Starrett-L. Meredith W. Beery-M. Rooney B. Karloff-E. Brent J. Howard-R. Cummings J. Penner-J. Travis R. Livingston-L. Travis J. Lang-L. Bari-L. Allen D. Durbin-J. Cooper M. Lindsay-M. Wilson-J. Littel	Lewis D. Collins Sam Nelson Sam Wood Wm. Nigh Kurt Neumann Leslie Goodwins Sid Salkow Eugene Forde Edw. Ludwig John Farrow	61 10/5 89 10/5 67 9/21 75 10/5 68 8/31 106 10/5 63 10/19	
10/14/38	FLIGHT TO FAME LADY VANISHES SHADOWS OVER SHANGHAI YOUNG DE. MILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING THAT CHEER THE SISTERS	Ralph Cohn Col A. Hitchcock GB Fine Arts MGM Lou Ostrow MGM Ed Finney MGM Geo. Arthur Par Bob Sisk RKO K. MacGowan 20th Hal Roach UA Max Golden U David Lewis WB	Col GB GB MGM MGM Par RKO 20th UA U WB	Drama Com-Dr Meller Com-Dr Western Com-Dr Drama Rom-Com Rom-Com College Drama	C. Farrell-J. Wells M. Lockwood-F. Lucas J. Dunn-R. Morgan L. Ayres-L. Barrymore Tex Ritter E. Burns-F. Bainter E. Ellis-A. Shirley Dionne Quins-Hersholt F. March-V. Bruce T. Brown-A. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. Al Hitchcock Chas. Lamont H. Buequet Al Herman Al Santell Garson Kanin H. I. Leeds Norman McLeod Harold Schuster Anatole Litvak	96 8/31 66 10/19 83 11/2 83 10/5 79 10/5 83 10/12 81 9/28 83 11/18 95 10/5	
10/21/38	LISTEN, DARLING MYSTEROUS RIDER MAD MISS MANTON MYSTEROUS MR. MOTO SERVICE DE LUXE GIRLS ON PROBATION	Jack Cummings MGM Harry Sherman Par P. J. Wolfson RKO Sol Wurtzel 20th Ed Granger U Bryan Foy WB	MGM Par RKO RKO U WB	Rom-Dr Western Mys-Com Mystery Com Drama	Bartholomew-J. Garland D. Drumbrille-C. Fields B. Stanwyck-H. Fonda P. Lorre-M. Maguire C. Bennett-V. Price-Ruggles E. Flynn-B. Davis-A. Louise	Edw. Marin Les Selander Leigh Jason Norman Foster Rowland V. Lee Anatole Litvak	72 10/19 74 11/16 78 10/12 81 9/21 85 10/19 65 10/26	
10/28/38	LAW OF THE TEXAN THE LITTLE ADVENTURES THE GREAT WALTZ THE CITADEL MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUEZ YOUNG IN HEART THE STORM THE LAST EXPRESS BROTHER RAT	Monroe Shaff Col Bernard Hyman MGM Victor Saville MGM Wm. A. Wellman Par John H. Auer RKO B. P. Fineman RKO Gene Markey 20th D. O. Selznick UA Ken Goldsmith U Irving Starr 20th Robert Lord WB	Col Col MGM MGM Par Par RKO RKO 20th UA U WB	Western Action-Dr Musical Drama Drama Drama Drama Spec Rom-Dr Drama Meller Comedy	Buck Jones-D. Fay E. Fellows-J. Wells L. Rainer-F. Gravet R. Donat-R. Russell F. MacMurray-R. Millard E. Cummings-H. Mack-L. Talbot S. Eilers-L. Bowman T. Power-L. Young J. Gaynor-D. Fairbanks, Jr. C. Bickford-B. McLane K. Taylor-D. Kent W. Morris-F. Lane-J. Wyman	Elmer Clifton D. R. Lederman J. Duvivier King Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Richard Wallace Orold Young Otis Garrett Wm. Keighley	54 10/28 60 11/9 107 11/2 112 10/26 102 10/28 61 11/2 109 10/19 91 11/2 60 10/19 90 10/19	
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN PACKER THE LAST KIDE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE EXPOSED HARD TO GET	Col W. T. Lackey Col Robt. Tansey Mono Par Jeff Lazarus Par Harold Hurley Par Bert Gilroy RKO Harry Grey Rep John Stone 20th Bert Kelly U Sam Bischoff WB	Col Mono Mono Mono Par Par RKO Rep 20th U WB	Western Meller Western Rom-Dr Meller Meller Western Comedy Drama Comedy	B. Elliott-D. Gulliver J. Cooper-L. Gilman J. Randall-L. Stanley A. Tamiroff-F. Farmer J. C. Nash-M. Carlisle G. O'Brien-L. Sutton G. Aubrey-S. Burnette J. Withers-A. Treacher-J. Rogers O. Kruger-G. Farrell D. Powell-O. de Havilland	Jos. Levering Wm. Nigh Wallace Fox Alfred E. Green Louis King David Howard Geo. Sherman Jas. Santley Max Golden Ray Enright	75 11/8 51 11/9 67 11/2 58 11/9 69 11/9 78 11/9	
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER BENGAL JUST AROUND THE CORNER HIS EXCITING NIGHT TORCHY GETS HER MAN	Lou Appleton Col Herbert Wilcox GB Edw. Chodorov MGM Frank Lloyd Par Lou Lusty RKO Armand Schaefer Rep Dave Hempstead 20th Ken Goldsmith U Bryan Foy WB	Col GB MGM MGM RKO RKO Rep 20th U WB	Drama Meller Rom-Com Rom-Com Rom-Com Rom-Com Comedy Rom-Com Comedy	P. Kelly-L. Gray N. Beery-G. Barker M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Rathbone J. Oakie-L. Ball P. Knowles-R. Hudson S. Temple-C. Farrell C. Buggles-O. Munson G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Lew Landers Sid Salkow Irving Cummings Gus Meins Michael Curtiz	75 4/7/37 66 11/16 109 8/21 66 10/19 65 10/19 70 11/2 62 10/12	
11/18/38	THERE'S THAT WOMAN AGAIN THE SHINING HOUR GANG BUSTERS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTS COWBOY AND THE LADY STRANGE FACES ANGELS WITH DIRTY FACES	Col J. Manckiewicz MGM E. B. Derr Par Cliff Reid Par Wm. Berke Rep Sol Wurtzel 20th Sam Goldwyn UA Bert Kelly U Sam Bischoff WB	Col MGM Mono Mono Par Par RKO Rep 20th UA U WB	Rom-Com Drama Meller Rom-Com Western Western Western Rom-Com Com-Dr Drama	M. Douglas-V. Lee J. Crawford-R. Young A. Nagel-R. Kent B. Hope-S. Ross-Butterworth H. Carey-T. Holt-E. Brent J. Wayne-E. Carrigan E. Donahue-L. Bari G. Cooper-M. Oberon D. Kent-F. Jenks J. Cagney-P. O'Brien	Alex. Hall Frank Borzage Lambert Hillyer G. Archinbaud Glenn Tryon Geo. Sherman Jas. Tunling Wm. Wyler Earl Taggart Michael Curtiz	75 11/16 75 11/9 72 11/2 75 11/9 91 11/9 97 10/28	
11/25/38	BLONDIE OUT WEST WITH HARDYS LITTLE TENDEEFOOT SAY IT IN FRENCH ARREST BULLDOG DRUMMOND COME UP ANGELS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Sparks Col Lou Ostrow MGM Ed Finney MGM Andrew Stone Par Stuart Walker Par Chas. E. Ford RKO Herman Schlom Rep Sol Lesser RKO Gene Markey 20th Max Golden U Bryan Foy WB	Col MGM Mono Mono Par Par RKO Rep 20th U WB	Comedy Com-Rom Western Comedy Comedy Mystery Western Meller Rom-Com Drama Drama Meller WB	P. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg E. Milland-O. Bradna J. Howard-H. Angel R. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-A. Gillis R. Greene-N. Kelly-Bancroft M. Boland-E. E. Horton B. Granville-J. Littel	Frank Strayer G. B. Seitz Al Herman Andrew Stone Jas. Hogan Joe Kane John H. Auer Edw. F. Cline John Ford Erle Kenton Wm. Clemens	69 11/2 11/2 11/2 11/2 11/2 11/2 11/2 11/2 11/2 11/2 11/2	
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE TRAILER ROMANCE ROAD DEMON SECRETS OF A NURSE DEVIL'S ISLAND	David Loew MGM John Speaks Col Cliff Reid Par Sol Wurtzel 20th Bert Kelly U Bryan Foy WB	MGM Col RKO 20th U WB	Comedy Comedy Comedy Sports Drama Meller	J. E. Brown-L. Carrillo-S. Duna A. Gillis-R. Kent-J. Travis L. Ball-J. Ellison-L. Bowman H. Arthur-J. Valerie E. Lowe-H. Mack B. Karloff-N. Harrigan	F. MacDonald Ben Holmes Garson Kanin Otto Brower Darius F. Cline Wm. Clemens	68 11/16	
12/9/38	RIO GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE UP THE RIVER LAST WARNING HEART OF THE NORTH	Irving Briskin Col Mervyn LeRoy M-G E. B. Derr Par Jeff Lazarus Par Sol Wurtzel 20th Irving Starr WB Bryan Foy	Col M-G Par Par 20th WB	Western Rom-Dr Meller Rom-Dr Meller Mystery Meller	C. Starrett-A. Doran L. Rainer-A. Marshall J. Carroll-M. Kornman A. Tamiroff-F. Farmer T. Martin-F. Brooks F. Foster-F. Robinson D. Foran-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Alfred F. Werker Al Rogell Lewis Seiler	11/2 11/9	

EXPLOITATION

By Epes W. Sargont

Metro's Anni

Metro is celebrating the first anniversary of its Short Story, sales magazine for Metro smallies. Brightly edited, and getting better all the time, it's one of the finest examples of good selling in the trades. Secret is that it's kept breezy and readable instead of merely hammering away on sales.

Lowdown for 'Angels'

Warners has issued a helpful press book on 'Angels With Filigree,' which is to be intensively exploited Thanksgiving week.

Comes in three sections, for Publicity, Advertising and Exploitation, so that movie man's supper dancing from the book at the same time. Advertising section contains more than 30 ads for local newspaper use, fully meeting almost any advertising requirement. Typographic is uniformly excellent but ranges from dignity to splash appeal. Exploitation section includes a six-day adaptation of the Movie Quiz idea that should be right in the groove.

Good All Around

Pittsburgh. Charlie Baron, MGM exploiter in this territory, tied in with no less than town's swankiest supper dancing spot, the Chatterbox at William Penn hotel, for Metro's 'Great Waltz' contest. Eliminations have been scheduled for room every Wednesday evening in November, with finalists going to Philadelphia for zone trials.

Costs MGM nothing and Chatterbox loses nothing since competitors have to shell out regular tariff. In addition, Metro gets an announcement from maestro, Lawrence Welk, over the loud-speaker every evening and an occasional radio plug in Welk's WCAE, sustains as well.

Fishglobe Gal Goes Santa

Providence. Kenneth Rockwell, RKO Albee mgr., introducing three-inch high Kris Kringle to Providence theatre-goers Thanksgiving Day for six-week period. Stand for novelty because placed in mezzanine so that children's actions won't disturb regular show patrons. Department store tie-up planned. With finalists going to Philadelphia for zone trials.

Campus Nickname Bally

Cleveland. With colleges fighting their annual feuds on the gridiron, Sid Dannenberg of Warners slipped across a timely football contest for 'Brother Rat' at the Hippodrome that zoomed over like a well-placed drop-kick. Gag was based on the slang nicknames of the cadets at Virginia Military Academy, but applied to the headline names given to country's

college football teams by sport writers. Contest was nicely spotted in the Plain Dealer, morning sheet. Prizes only moderate, totaling \$10 and 10 pairs of tickets, but it was handled to catch collegiate fancy. Longest, correct list contained 860 grid nicknames, all bona fide, winning over 2,000 entries.

Stamps for Kids

Albany, N. Y. Fabian's Harmanus-Bleeker Hall has introduced a Children's Stamp Matinee on Saturday. Advertiser that it will present to each youngster attending a stamp album and 10 different 'rare foreign stamps.' One hour of special screen entertainment is offered for kids.

Waltzing Along

Metro is rapidly completing final arrangements for the blowoff of its 'Great Waltz Contest' in which 12 couples from various parts of the country will compete in the finals to be held in the grand ballroom of the Waldorf-Astoria, N.Y., Dec. 12. The local contest is chiefly being put over through a tieup with the World-Telegram and Loew theatres, but all sorts of local organizations have been asked to submit entrants to compete with the theatre prize winners.

Proceeds will be donated to the American Red Cross, and with a 3,500 capacity and reams of publicity, the take should be gratifyingly large.

STUDIO CONTRACTS

Hollywood, Nov. 15. Metro renewed Rand Brooks' actor ticket.

John Miljan inked player pact at Warners.

RKO handed thesp contract to Allen Kneip.

Paramount lifted Donald Blake's player option.

Heinz Herald signed writer deal at Warners.

Philip N. Krasne signed Lee Powell and Al St. John to a six-picture contract.

Warners pact Julius Epstein, writer.

Metro renewed Dr. Arthur Guttman's musical director ticket.

S. Sylvan Simon inked new director pact at Metro.

Metro handed Ann Morris new player contract.

Wayne Morris drew a new ticket at Warners.

Paramount gave Madeleine Carroll a new deal.

20th-Fox extended Robert Harari's writer pact one year.

Tom Collins signed to actor pact at Metro.

Kenneth McKenna inked new ticket as story editor at Metro.

20th-Fox renewed Irving Cummings' director contract.

Metro handed Terry Kilburne new actor pact.

Nunnally Johnson sealed as producer-writer at 20th-Fox.

Theatres-Exchanges

New York.

Si Fabian, already operating the Strand and Ritz, Port Jervis, N. Y., has leased the Royal, situated at 27th and 10th streets. Deal consummated by Burke & Krumboltz, theatre brokers.

Walter Reade added another to his chain of more than 60 theatres last week when he acquired the Plaza, Madison avenue and 58th street, New York, from Gertrude Vanderbilt Whitney for an understood consideration of \$450,000.

Ambridge, Pa.

Beaver county projectionists and stage employees of I. A. T. S. E. Local 287, affiliated with A. F. of L., have negotiated new contracts with an increase in wages for the next two years, against the following theatres: Regent, Rialto, Granada, of Beaver Falls; Brighton at New Brighton; Oriental, Majestic, at Rochester; Beaver at Beaver, and Roxie at Monaca.

The picture theatres in Ambridge are not affected as their contracts granting approximately a 15% raise, and will not expire until Oct. 1, 1939. Aliquippa theatre contracts have been settled satisfactorily for the coming year.

Fairmont, W. Va.

Friendly City Amusements, Inc. of this city, was granted a charter with \$50,000 capital and R. Earle Knight, James H. Brownfield, II, and George Houtz as incorporators. A new motion picture theatre will be built on Adams street, and Knight, manager of the Fairmont theatre, and Brownfield, manager of the Virginia, have given up their seats on the board to direct operation of the new project. The new theatre, designed by Architect Peter M. Hulsken, of Lima, O., will seat 900, making it the second largest in the city.

Detroit.

New Four Star theatre in Grand Rapids, Mich., was opened last week as another link in Butterfield Michigan group of theatres. It's a partnership arrangement between Allen Johnson and the Butterfield interests.

Chain recently broke ground for a new theatre in Lansing, Mich., which will seat 1,000 and be ready for opening sometime next year.

Pittsburgh.

Jack Walsh, from Paramount, Newport, R. I., named permanent manager of Shea-Hyde Fulton here, succeeding John Gorton, resigned month ago. Lester Hutcheon, filling in for co-op of between Allen Johnson and the Butterfield interests.

George Wheeler, local office manager for Gaumont-British, has quit to join Grand National sales force in Washington, D. C., as successor named yet for either him or Joe Kalski, branch chief, who resigned in September.

John O. Hooley back on Harris managerial staff following long illness and assigned to Liberty, East Liberty district. He replaces Ken Hoel, who moves downtown to circuit's newest house, the Senator.

San Antonio.

Strand and Ritz, Uvalde, sold to Consolidated Theatres, which in turn leased the houses to Jack Picens Theatre, Inc. of New Braunfels, Tex.

Philadelphia.

Eddie Klein, who has served in Warner's ad department for the past nine years, resigned to take another job. Leo Weiss moved up to his spot and George Lawson, formerly Fays theatre, given Weiss' old place.

Europa, arty house here, switched to the Studio. New moniker selected in contest by patrons.

Sid Meibove replaces Doug George as out-of-town exploitation man for Warners in this territory. He was promoted from the publicity staff and will start work on new WB de-luxer skedd in early spring in Wilmington. George heading a Warner subsid circuit in Oklahoma.

Edgar Wolf, of Atlantic City has been named as Fox Spokane, to Sedgewick here. Fills spot left vacant by transfer of Norman Moray to 333. Moray replaces Tommy Schell, transferred to Keystone, following resignation of Al Lidman to handle five houses in New York.

Seattle.

Theatre changes announced at Evergreen headquarters here follow: Willard Coglian, assistant booker to assistant manager of Fox, Spokane; Jack Rosenberg, transferred from city mgr., Bellingham, to assistant booker, succeeding Coglian; Al Baker transferred from Fox Spokane, to city manager, Bellingham, and manager of Mount Baker theatre; Oscar Nyberg, from asst. mgr. State, Spokane, to manager of Fox Spokane; Joe Rosenfeld is Spokane city manager for Evergreen and mgr. of State. This house has a single bill policy which clicks for the burg.

Advance Production Chart

(Continued from page 21)

Lawlor, Frank Shannon, George Guhl, Joe Cunningham, Jack Mower, Charles Hickman, Bruce Mitchell, John Harron.

'CRIME IS A RACKET,' produced by Sam Bischoff; directed by Lew Seller; no writing credits yet; photographed by Sol Polito. Cast: Humphrey Bogart, Gale Page, Billy Halop, Henry O'Neil, John Littel, Harold Huber, Henry Travers, Harvey Stephens.

'SECRET SERVICE IN THE AIR,' produced by Bryan Foy; directed by Nor. Smith; no writing credits released yet; photographed by Ted McCord. Cast: Ronald Rhodes, Rosella Towne, James Stephenson, John Littel, Morgan Conway, Joe Cunningham, Anthony Averill, Larry Williams, Richard Bond, John Ridgely, Eddie Foy, Jr.

Warner Pix Now in Production

'DARK VICTORY,' produced by David Lewis; directed by Edmund Goulding; screen play by Casey Robinson from play by George Breuer, Jr., and Bertram Bloch; photographed by Ernest Haller. Cast: Bette Davis, George Brent, Geraldine Fitzgerald, Humphrey Bogart, Ronald Reagan, Henry Travers, Dorothy Peterson, Charles Brown, Lottie Williams, Virginia Brissac, Frank Reicher, Pierre Watkins.

'OKLAHOMA KID,' produced by Sam Bischoff; directed by Lloyd Bacon; screen play by Robert Buckner, Jerome Odlum and Warren Duff; from original by Edward Paramore; photographed by James Wong Howe. Cast: James Cagney, Rosemary Lane, Humphrey Bogart, Donald Crisp, Granville Bates, Charles Middleton, Hugh Sothern, Edward Pawley, Ward Bond.

'ADVENTURES OF JANE ARDEN,' produced by Mark Hellinger; directed by Terry Morse; no writing credits released; photographed by L. William O'Connor. Cast: Rosella Towne, William Gargan, Dennee Moore, Peggy Shannon, Edgar Edwards, Maris Wrixin, Frankie Burke, Pierre Watkin.

'ALWAYS LEAVE THEM LAUGHING,' produced by Sam Bischoff; directed by Ray Enright; screen play by Jerry Wald and Richard Macaulay; photographed by Arthur Todd. Cast: Dick Powell, Gale Page, Ann Sheridan, Zasu Pitts, Maxie Rosengloom, Allen Jenkins, Jerry Colonna, Halliwell Hobbes, Granville Bates, Ronald Reagan.

'NANCY DREW, REPORTER,' produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by Arthur Edison. Cast: Bonita Granville, Frankie Thomas.

'DODGE CITY,' produced by Robert Lord; directed by Michael Curtiz; no writing credits released; photographed by Sol Polito. Cast: Errol Flynn, Olivia de Havilland, Frank McHugh, Alan Hale, Ann Sheridan, Henry O'Neil, Henry Travers, Victor Jory, Bruce Cabot, Russell Simpson, John Littel, Guinn 'Big Boy' Williams.

'YES, MY DARLING DAUGHTER,' produced by Benjamin Glazer; directed by William Keighley; screen play by Casey Robinson, based on stage play by Mark Reed; photographed by Charles Rosher. Cast: Priscilla Lane, Jeffrey Lynn, Fay Bainter, Ian Hunter, Roland Young, Genevieve Tobin, May Robson.

Fireworks Loom

(Continued from page 7)

tives to conclude our negotiations and to secure the definite acceptance of the distributors to our proposals, to resolve the points that are still in dispute and to lay plans to give these proposals immediate effect. Any particular item to which the distributors will not agree at this time can be the subject of future negotiations. He added the reservation, however, to fight for a better deal if there isn't complete satisfaction on any point or plank. Allied may not be willing to settle on some points, leaving others to the future. It may demand a complete agreement on its whole platform or nothing at all.

A sliding cancellation plan is said to have been proposed under which the privilege would be 20% of the product bought when rental does not average over \$100; 15% when averaging \$101 to \$200, and 10% beyond. An unconditional privilege of at least 20% is what is being striven for by the MPTOA and others.

Understood that should Allied even withdraw from the parleys the distributors will want to go ahead with the others. These include, in addition to the MPTOA, a group of seven indie bodies of sectional type which are now discussing the situation among themselves and members preparatory to further pourparlers.

Distributors continue to maintain secrecy as to developments.

TITLE CHANGES

Hollywood, Nov. 15.

'Strange Case of Dr. Meade' is release title of 'Outside the Law.'

RKO changed 'Pure in Mind' to 'White Slaves.'

Release tag for 'Katherine the Last' at Metro is 'The Awakening of Katherine.'

'Rio Grande Roundup' at Columbia became 'Texas Stampede.'

'Smashing the Money Ring' is final title for 'Queer Money' at Warners.

Two changes at Metro turn 'Slidie' into 'Burn 'Em O'Connor,' and 'Joe Folliotes' into 'Joe Folliotes of 1939.'

Pizor Back to Philly

Oklahoma City, Nov. 15.

Lewen Pizor, prez of United Motion Picture Theatre Owners in the Philadelphia area, trained home Friday (11) after remaining in an Oklahoma City hospital about a week following recurrence of a stomach ailment during the recent MPTOA national convention here. He was accompanied by his daughter, Dorothy, who came on from Philadelphia.

Gold Diggers of '49

Hollywood, Nov. 15.

Gold rush of '49 is the subject of the fifth Technicolor short in the Patriotic series at Warners titled, 'The Golden Empire of California.' Picture rolls next month, with Crane Wilbur directing from Charles Tedford's script.

M-Q SIGNS JUNE PREISSER

June (and Cherry) Preisser, youthful vaudeville, and musical comedy dancer, last seen on Broadway in 'You Never Know,' yesterday (Tuesday) was signed up by Metro. Miss Preisser probably will be considered for roles in such M-Q pictures as 'Babes in Arms' and 'High School.' She leaves for the Coast Dec. 15.

STORY BUYS

Hollywood, Nov. 15.

'Universal' purchased Jerry Sackheim's original, 'Suing Marriage.'

Republic bought two originals, 'Girls of the Road,' by Sammy Fuller, and 'Calling All Marines,' by William Ullman, Jr.

Metro bought two novels, 'Rosza Sander,' by Robert Neumann, and 'Salute to the Gods,' by Sir Malcolm Campbell.

WANTED

Business opportunity, motion picture field or legitimate theatre. Self-made young man, 26, Protestant, Harvard honor graduate, experience college, dramatics, excellent business background, sales, public and labor relations. Best references. Box 141, Variety, New York

New York Theatres

There's a Better Show at the RKO THEATRES

2ND WEEK! "BROTHER RAT" PRISCILLA LANE WALLACE BEERY HUGH HERBERT AL DONAHUE HUGH HERBERT "TRAMP" ALL SEATS 25¢ TO 1 PM. — On the Stage— New Stage Show

3rd Week "YOUNG DR. KILDARE" IN PERSON— Milton Berle "STABLE MATES" On Stage— Edna Logan

4th Week "THE CITADEL" APITOL "60 GLORIOUS YEARS" Spectacular Stage Productions

7th Av. & 50th St. "SUBMARINE PATROL" ALL SEATS 25¢ TO 1 PM. — On the Stage— New Stage Show

PARAMOUNT SQUARE Bob Burns in "The Arkansas Traveler" In Person— Larry Clinton and His Band Buddy CLARK Eleanore WHITNEY

RADIO CITY "MUSIC HALL '60 GLORIOUS YEARS" Spectacular Stage Productions

MABEL TODD

SINGING COMEDIENNE

LOEW'S STATE, NEW YORK, NOW NEXT WEEK (Nov. 18), PALACE, CHICAGO

Recently completed featured role in Samuel Goldwyn's latest hit picture

"LADY AND THE COWBOY"

(To Open at Radio City Music Hall, New York, Soon)

Thanks to MILTON BERLE and SIDNEY FIERMONT

N.A.B.'S FUTURE CHARTED

Virulent Anti-Radio Ad by Post Seen Making Chump of Campbell

DIANA BOURBON EAST

Assigned to Orson Welles Series
From New York

What is regarded by the radio trade as the most violent anti-radio ad ever to emanate from a newspaper appears in current advertising trade rags under the aegis of the Washington Post. This paper is steered by Eugene Meyers, and is among those papers which recently made cuts in space ordinarily devoted to radio columns, logs, etc. Virulent anti-radio blast centers around the Orson Welles episode; and is captioned, 'Yes, the entertainment panicked them! But who listened to the announcer?'

Copy goes on to say that 'Every radio advertiser hungers for a tip-top show—one that (in the language of the theatre) will lay 'em in the aisles, wow 'em, panic 'em.

'We recommend the Wells-Welles opus. It panics them, and how! But bear in mind that the announcer told the audience how separate times, and in several different ways, that it was all entertainment, not to be taken seriously.

'Who listened to him? Who listens to what your announcer tells them about your product?'

'Which part of your program do they take seriously—the entertainment or the sales talk?'

'Maybe the scientists on Mars can answer these questions. Here's one you may be able to answer for yourself.

'Orson Welles makes money out of the show business.

'Do you?'

Tops the Mags

'Trade opinion is that for sheer insinuation, the Post ad can even lick anything turned in by the magazines. Same paper has previously evidenced an anti-radio attitude in its trade copy, but not nearly to the extent of the current epic.

Radio's promotional fraternity, however, will most likely disregard the blast completely on the contention that it's badly plotted as to strategy. In the first place, the Post does nothing to boost its own stock after running radio down. In the second place, since Campbell Soup just bought the Wells show, the Post is virtually making a sucker out of Campbell—a move regarded as far from smart. In the third place, the logic is much the same as if CBS wrote an ad saying: 'Yes, the Washington Post panicked them with an anti-New Deal blast! But who reads the ads?'

Joe Connolly's Slant On Radio Publicity; Doyle, Kenny As Is

Joseph V. Connolly, general manager of the Hearst newspapers, last week denied the report that radio matter was to be drastically curtailed in the chain's papers generally and that the new policy would include the elimination of the Dinty Doyle and Nick Kenny columns in the N. Y. Journal-American and N. Y. Mirror, respectively. Connolly declared that it was his policy to let the heads of each paper decide whether or how they wanted to handle radio chatter or program listings.

As a case in point, he told of a recent exchange of letters between a Hearst pub and himself. Former sought information on how Connolly wanted radio treated and the chain chief replied that the publisher could exercise his own judgment but in his (Connolly's) opinion it might be better to confine the paper to the printing of program listings instead of 'publicity puffs.'

WASSER HONEYMOONS

Montreal, Nov. 15. G. S. (Pete) Wasser, manager of station WQDM, St. Albans, Vermont, here with frau honeymooning. Formerly with Furgason & Aston, in New York.

SLOW START, BUT LONG-RANGE VIEW

Tieups, Booklets, Primers
Among Steps — Miller
Hammers Home Importance of Industry Co-operating with Education and Fulfilling All Pledges

HOME TOWN ANGLES

By BOB LANDREY

Gradual development of practical ways and means of spreading good will and minimizing dangers of attacks on radio are being formulated by the National Association of Broadcasters. These steps are not in full stride at the moment but they are typical of what the N.A.B. is attempting. Taken together these tactics mark innovations in the trade association's long history of comparative do-nothingism. (See last week's VARIETY editorial, 'Snap Out of It, Radio!')

Perhaps the most astute measure in prospect is a tieup with the Radio Manufacturers Association whereby each new radio receiver as sold hereafter will have pasted on the back a printed 'primer' which will not only explain in simple language the nature of kilocycles and the ABC's of broadcasting (scientific), but will also give a sympathetic picture of the American way in maintaining radio by a system of private enterprise in sensitive and sympathetic attunement to public service.

Newspapermen Smartened

Idea of issuing 'primers' or going back to fundamentals will be exploited by NAB in several directions. One by-product is a mimeographed guide (a combination atlas-glossary-footnote) to the basic facts of radio broadcasting which NAB will send to all daily newspapers with the thought that it will help radio-ignorant reporters and editors in covering the present FCC hearings. Whether these go into the wastebasket or are used (as a little of both) NAB thinks the law of average will help keep out some factual errors and will shed light where light is needed.

Already NAB has issued several booklets and has many more in prospect. One leaflet summarized 'dents' for politicians during the last convention. It sought to show or suggest how the windy gent could get across best on the ozone. Pertinent press quotes are being collated for the first time.

Greeters Needed

Another objective of NAB tactics is to establish in every station a responsible personage who will greet and interview clubwomen, social group spokesmen and educators that visit the stations. All too often, it is feared, the rumor has been the lot of such visitors in the past with consequent stirring up of animus where goodwill could easily have been chalked up instead.

By urging stations to perfect a better-oiled mechanism to contact and service educational, church, fraternal and similar interests, NAB sees vast appeasement of much present or potential enmity. In this connection Neville Miller has been taking an insistent note with the membership urging the importance of their fulfilling the letter of their pledges to educational projects. Miller is driving home the need for a strong record in this regard. NAB has lately subscribed about \$45,000 but Miller wants the pace quickened—and pronto.

Over-all philosophy of the NAB appears to be in the direction of putting the best foot forward to the home community on the theory that Washington will then tend to take care of itself. Feeling has grown that the local congressman should be kept fully informed—but from the home town and not only when he's resident in Washington with its deceptive values and preoccupations. To show the representative that the

Columbia Phonograph Label Acquired by Columbia System; Deny J. C. Stein or Concert Ties

Roosevelt's 23.5

Co-operative Analysis of Broadcasting took a check on President Roosevelt's home set audience the Friday night (4) before election day and found that the midterm political speech gave him a listening quota of 23.6%.

During this period the President scored 30.1% on March 9, 1937, while a broadcast which preceded his election to the second term, namely, Oct. 10, 1936, figured 24.6%.

CBS will within the next few days close for the ownership of the American Record Co., whose phonograph labels consist of Brunswick, Columbia and Vocalion. After withering a few weeks ago, the deal came to life recently and the negotiating parties have arrived at a meeting of minds on price and other contractual details.

Phonograph company will be operated by the network as a separate entity. Although there have been conversations with outsiders, including a high executive now with RCA Victor, the head man for the recording enterprise has not been picked by CBS.

Columbia yesterday (Tuesday) denied two reports that had become associated with the recording company purchase. One was that Jules C. Stein, head of the Music Corporation of America, was financially interested in the takeover; and the other was that the Columbia Artists Bureau would be placed in charge of the phonograph company's operations. An entirely separate staff, it was said, will run the disc setup.

Herbert J. Yates interests acquired the phonograph record combine through a series of moves which started in 1930. Actual transfer of the properties' direction isn't expected to take place before Dec. 15.

TEXACO STAY IN HOLLYWOOD ASSURED

While changes may be made after the current 13-week cycle expires, the Texaco show will continue to originate from Hollywood, an executive of the company declared Monday (14). Talk with Bill Bacher, the program's producer, who was in New York last week, was described as perfectly amicable. It was also stated that the company was satisfied with the way the show was now going from the production angle.

Future status of the program's present cast depends on how things click for the next two weeks, at the end of which comes option time. Program will likely be moved back a half hour, taking over the 9 to 10 stretch and becoming an open choice for listeners between itself and Fred

station is on the job in the public interest is a home town job, NAB holds.

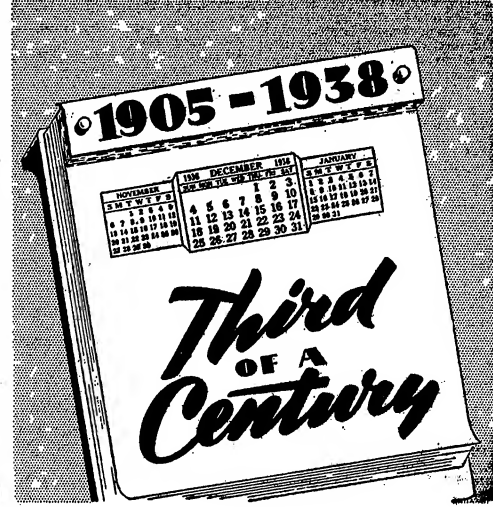
Next NAB convention (first in 16 months) will probably be held in June, and in Washington. Although previous conventions have been ad-libbed - ballyhooed as 'serious-minded' they never quite made the grade. With the present grave accumulation of problems, plus the presumed chastening effect of the current hearings, plus the agenda Neville Miller wants to create, it is hoped that when June rolls around the face-lifted organization will pace for its first dignified photograph.

NBC Would Like to See Jack Benny Return To Blue, His Alma Mater

NBC last week sold its first regular hookup on the blue (WJZ) link since the introduction of the new system of added discounts for those buying blue supplementaries. Armo is the account. It will fill the 3 to 3.30 segment Sunday afternoons, starting Jan. 15, with its usual brass band performance. Contract is for 42 stations.

Network's station relations department has assured several affiliates on the blue that NBC would prevail upon the Jell-O division of General Foods to move Jack Benny over to the latter link from the red (WEAF). Benny got started on the blue, with the switch to the red taking place in 1936.

Reddy Vallee airs his weekly variety hour over the NBC-red from the Community Playhouse, San Francisco, this week (17) while in town at auto show.



TIME CHISEL DRAWS N.A.B. FROWN

Washington, Nov. 15.

Supporting the general conviction that National Association of Broadcasters is, at long last, sharpening its claws for individuals and associations which possibly are attempting to wangle something for nothing, seen in last week's sharp rebuke to the American Road Builders' Association.

Are the 'free offers' of the Road Builders 'touched with commercialism,' in their invitation to the radio industry to foist propaganda upon the listeners.

Admitting that a 'perplexing problem' is presented by the requests of various organizations, associations and commercial enterprise which pester U. S. transmitters, NAB last week poised the question of whether American Road Builders are 'entirely altruistic' in their motives. Cuff programs, scripted and serviced by local highway officials, chiefs of police, traffic engineers, members of state legislatures and 'others interested in road building' were slated for the microphone by NAB.

Worthy Cause, But—

'Of course, there isn't any broadcaster, or anyone else for that matter, who doesn't want to promote highway safety,' NAB publication observed. 'And, of course, there isn't any broadcaster who wouldn't be willing to volunteer the facilities of his station to promote highway safety.'

While no part of the discussed program was quoted, evidence pointed to face that NAB chiefs have turned thumbs down on the proposition. Citing 'The Labor Parade,' free time offer of the American Federation of Labor which two weeks ago was touched by the association, NAB spokesmen included the road builders program—by inference—into the waste basket. Left it up to the individual broadcaster—but made it plenty clear that 'free offers' are to be looked upon askance by station managers who are not anxious to be classified as easy marks.

Add: WDAS Gags

Philadelphia, Nov. 15. Lou Palens, of the WDAS sales staff, has been soliciting a hair restorer company for months. Finally, they agreed to buy time if Palens would try their product and get results. Last seen, Palens was trying on toupees.

MONOPOLY HEARINGS BEGIN WHAT LOOKS LIKE A MARATHON TALKING EVENT

Sarnoff Lead-Off Man—McNinch Presides—Artists Bureau Operation of NBC First to Get Spotlight—RCA Rapped in Release

Washington, Nov. 15. Hearings of the Federal Communications Commission's probe into 'monopoly' opened yesterday (Monday) and will continue for weeks, and probably for months. Four days a week of testimony (and the official day in Washington is never too long or arduous) suggests they'll still be talking in February.

Preceding the hearings Chairman Frank McNinch (a) fired several FCC employees (b) announced a new procedural setup for hearing FCC cases (c) went on the radio Saturday (12) to pooh-pooh the 'purge' or any slight to Civil Service (d) declared himself to be a foe of censorship, in contradiction to those who assumed he was quietly working in that direction (e) reminded the trade, the press and the world at large that he is only temporarily FCC chairman that he will eventually return to the Power Commission from whence he came over a year ago under orders from the President to straighten out radio.

Before three members of four-man committee that includes the only two veterans of the Federal Radio Commission now in government service, David Sarnoff, president of Radio Corporation of America and chairman of the board of National Broadcasting Company, inaugurated the testimony-taking with a dissertation on the accomplishments of radio and argument against steadily-increasing government domination. Scheduled for cross-examination later in the proceeding, he was administered an indirect reprimand for not offering 'factual evidence.'

No Whitewash

During first day, Chairman Frank R. McNinch repeatedly emphasized the determination to obtain 'facts' and to make sure the hearing is not turned into a mutual admiration club. Four-man committee which he heads will make sure the sessions are 'conducted fairly and impartially,' he said, but will carry on 'a thorough and searching inquiry into all the facts' and will not allow industry to employ obstructionist tactics. No sounding board technique.

Schedule of witnesses to present NBC case dashed hopes the proceeding can be wound up before Congress. Estimates were that 13 days will be required for direct testimony by the first of the networks. Cross-questioning probably will consume at least as much time, so that with CBS and MBS planning to offer half-dozen or more data-suppliers and with long Christmas adjournment it will be slow going.

Going into the background of NBC, Philip J. Hennessey, Jr., chief of the web's legal battery at the hearings, had Sarnoff identify three historic documents—a letter written in 1916 envisioning perfection of a 'radio music box,' a 1922 communication outlining network possibilities, and a memo nearly 18 years old terming television, international broadcasting, nationwide coverage 'almost around the corner.' Long vision and lively imagination reflected, as well as Sarnoff's shrewd business sense.

Artists Bureau

Only other testimony received at the initial session was a brief account of the NBC organization and a short description of the function of the Artists Service. With cross-questioning postponed, Frank Mason, NBC v.p., outlined the corporate set-up while George Engles laid the groundwork for testimony on the talent situation.

Several exhibits and Mason's oral statements showed that NBC controls Civic Concerts Service, Inc., Artist Service of Massachusetts, Artist Service of Pennsylvania, and WTAM, Inc. (in liquidation) plus the existing but inactive Radio Music Co., a copyright pool. Web has dissolved other subsidiaries on the Pacific Coast, Northwest Broadcasting Co. (KJR, Seattle), Western Broadcasting Co. (KEX, Portland), and Pacific Broadcasting Co. (KYA, San Francisco).

Mostly telling about his personal background, Engles skimmed over the talent situation and explained

the need for maintaining a stable of performers. Function of an artist's agent was outlined, with Engles telling how NBC books its talent for non-radio appearances.

Probe Into Talent

Talent activities occupied McNinch Tuesday, with Daniel Tuthill, Artist Bureau Director, explaining detailed functions, and William J. Dempsey, commission counsel, beginning to dig into tie-up between network and performers. At one point, suspicion that link may not be proper was reflected by Chairman McNinch with questions about possible favoritism of talent managed by bureau. Peculiarities of broadcasting business necessitate maintenance of artist organization, Tuthill testified, pointing out that 18-hour schedule exhausts huge amount of program material in course of year and declaring it is only natural for a broadcasting company to build up supply and train potential performers. Between 10,000 and 12,000 microphone appearances yearly in entire industry means constant effort to recruit new personalities, varied activities described, with bureau executive picturing negotiation for engagements both within radio and other fields.

Commissions range from 10 to 20% depending upon type of appearance. Difficulty in understanding why artists engage bureau to manage them expressed by McNinch, who eventually drew admission that NBC gives more preference to performers represented by bureau. Tuthill insisted possible build-up is reason for talent to sign management contract but conceded performers his organization represents often get breaks on commercial programs. There are no curbs on competition, however, Tuthill contended. NBC bureau's stable of 300 performers is only 5 to 10% of web's talent requirements. Competition is lively with upwards of 500 other agencies. Noted William Morris, Fanchon & Marco, MCA, Edgington-Vincent, Orsatti and others are prominent in supplying talent to radio. Profits of Artists Bureau are moderate, Tuthill revealed. While business jumped from slightly over \$1,000,000 in 1928 to more than \$6,000,000 in 1937, actual gross last year was only \$298,892. Gross broken down as follows: 66% from commercial radio bookings, 18% from concerts and 16% from pix, private

parties, clubs and other engagements. Of total, 91.8% paid to artists while over half of remaining \$674,891 went for operating expenses.

Cancellation of station tickets of NBC and Westinghouse was demanded at the outset of the FCC chain-monopoly hearings in a public statement issued when Chairman Frank R. McNinch refused to upset the calendar. Fight between the two giants of the equipment business and Royal Moulding Co. of Providence was injected into the McNinch probe by the press statement method.

Declaring the testimony he sought to offer was most pertinent at the outset of the network survey, Charles P. Sisson, former U. S. Assistant Attorney General, failed to win an early chance to make another move to break the alleged monopoly on vacuum tubes, but turned the spotlight on his case by releasing a letter to the Commission in which he hinted the Communications Act is not being applied impartially. Client recently filed a triple-damage suit in Rhode Island Federal court, under the civil sections of the antitrust laws, in attempt to obtain relief from the charged conspiracy.

Denial of the NBC and Westinghouse station licenses should be ordered by the Commission, Sisson contended, because the 1934 statute provides nobody violating the anti-trust laws is qualified to hold a ticket. Free and open market for equipment has been prevented by secret understanding to grant 'discriminatory price rebates and allowances,' thus curbing competition and restraining trade, he complained.

Protests NBC Deal

Charlotte, N. C., Nov. 15.

Tyre Taylor, former executive counsel in North Carolina and now general counsel for the American Federation of Little Business, has made public a letter which he has addressed to Frank R. McNinch, chairman of FCC, seeking permission to intervene before the commission in opposition to the pending transfer of radio station WPTF at Raleigh from the Durham Life Insurance Company to NBC. Taylor, whose organization intervened at the behest of Raleigh members, flayed the proposal as one making for monopoly.

Stock of WPTF company and the \$210,000 purchase price are now in escrow pending approval of the commission, which is necessary before the deal can be consummated.

After relating the circumstances (Continued on page 36)

'Self-Regulation Is the Democratic Way for American Broadcasting'

By DAVID SARNOFF

(As Delivered Monday (14) Before the Federal Communications Commission, Washington)

Mr. Chairman and Gentlemen of the Commission:

I appear before you today as President of the Radio Corporation of America and Chairman of the Board of the National Broadcasting Company. I appear in both capacities because the National Broadcasting Company is wholly owned by the Radio Corporation of America. RCA itself, and consequently, NBC—is owned by a majority of a million stockholders. No single stockholder, whether an individual, a corporation or a financial institution, owns as much as 1/4 of 1% of RCA stock.

The By-laws of the Corporation provide that at least 80% of the voting stock shall be held by American citizens. Approximately 95% of all the outstanding stock of RCA is held in the United States.

Speaking for both the companies and the stockholders I represent, we welcome this hearing and the opportunity it provides to review and appraise network broadcasting in the United States. Proud of the tremendous developments in radio during the 19 years since the RCA was formed, we welcome this occasion when the government, the industry, and the public may jointly take stock

of the present, and chart the course into a vast and unexplored future.

The questions I have presented to the National Broadcasting Company covering the specific terms of this investigation will be answered factually and in detail by the executives and operating officials of NBC, who will appear before you.

Let me say at the outset that I am not here to advocate a 'status quo' or to oppose changes in a changing art.

Let me say that I do not come here to say that broadcasters are infallible, that no improvements are possible, that we have no problems, or that the commission cannot help in their solution. I am here to aid this investigation in any way I can. I propose to describe briefly the objectives of the Radio Corporation of America which led to the formation in 1926 of the National Broadcasting Company, and to discuss the part we have taken as a pioneer in the development of the American system of broadcasting. I should like also to present my views on certain problems which are present face the broadcasting industry.

The Radio Corporation of America is engaged in every field of radio. (Continued on page 34)

Arnold, Dalberg, Wisner Out

Washington, Nov. 15.

Three summary discharges and complete overhauling of the testimony-taking methods last week carried the prolonged FCC feud to a new climax. In a series of moves variously interpreted as 'wholesome' and 'outrageous,' the majority of the Commission coldly gave the gate to Chief Examiner Davis G. Arnold, Assistant Chief Examiner, Melvin H. Dalberg, and Information Director G. Franklin Wisner coincident with adoption of orders abolishing both the examining department and the press section.

As was the case a month earlier when Hampson Gary was heaved out of his place as general counsel in equally determined fashion, the Commission split on the Arnold-Dalberg-Wisner execution. Three members—Commissioners Norman S. Case,

the examining staff was incompetent in some respects.

Proceedings at the session Wednesday (10) were cut and dried. McNinch obviously had caucused earlier with Commissioners Thad H. Brown, Eugene O. Sykes and Paul A. Walker—his associates on the committee supposed to investigate monopolies and chain operations—and was certain he had the votes.

Changes effected after the two sections were abolished consisted of placing examiners in the law department, making sensational alterations in the system of receiving evidence (see separate story), and borrowing Marion L. Ramsey from the Rural Electrification Administration to serve as 'consultant' on public relations matters. According to the order, Ramsey will be loaned by R.E.A. for 90 days, during which he will map out a new scheme for dealing with the press. He will be attached directly to the Chairman's office, in the capacity of special assistant at a much fatter salary than Wisner received.

Wisner's Record

Washington, Nov. 15.

Criticism of the FCC press section as 'wholly inadequate and ineffective' occasioned surprise last week following purge of Commission's information director. While reorganization admittedly can result in better service, newspaper reporters covering the FCC were puzzled by statement that there is no satisfaction in the press section for collecting and disseminating information for the public.

With aid of only one stenographer and a newspaper reader-general helper, G. Franklin Wisner, press director for more than a decade, had built up huge files—containing 35,000 classifications—in face of continual difficulties imposed by shortage of funds and clerical aid. Inadequate quarters didn't help. Press contact single-handedly answered all queries and prepared numerous handouts, while at many other similar agencies large staffs are available for this work. Three full-time former reporters are employed by the Securities & Exchange Commission, for instance, while Social Security Board, Works Progress Administration, Federal Trade Commission and others have information sections comprising half-dozen or more individuals.

T. A. M. Craven, and George Henry Payne—fought for the two heads of the examining staff while Craven and Payne refused to go along in chopping off Wisner's head.

None of the three discharged employees was allowed a hearing, nor was any official explanation given for the drastic action beyond general statements by McNinch that 'efficiency' demanded scrapping of the two subdivisions and dropping of the involved workers. Possible violation of the civil service statutes was seen, although action was defended because of long-haul in the law and McNinch apparently was careful to comply technically with procedural requirements.

News of the firings was a complete surprise to Dalberg and Wisner, although rumors had circulated both were doomed. Unlike Chief Examiner Arnold, neither was asked in advance to resign, and neither had been given, at any time, an opportunity to talk with McNinch about details of their work. No direct criticism from the Commission preceded the head-opping, while the minority had difficulty obtaining any details from the majority which pushed through the necessary orders. Even after official action was made, neither could get from McNinch the others voting with him any idea of the reasons why they were forced to walk the plank.

McNinch Evasive

At a press conference where he talked about the effect of the 'reorganization,' the Chairman ducked questions designed to amplify his vague explanations, giving no specifications to support his assertion that efficiency necessitated a firing-squad process.

Ouster of Arnold followed several days of discussion and was prefaced by McNinch's insistent demand—also without any satisfactory explanation—for an immediate resignation. Chief Examiner, veteran of 17 years in the Federal service, was told only in private talk with McNinch—that his reports were 'no good' and

Merit System

Whether the FCC disregarded the civil service laws was a matter of dispute, but the Civil Service Commission showed speedy interest. Meanwhile, government employees' associations were growing about the obvious weakness of the merit system and repercussions in Congress were believed inevitable.

While the law is not wholly clear, curbsome opinion was that only the Wisner case comes within jurisdiction of the C.S.C. President Harry Mitchell said an investigation is certain 'if it appears our duty to make an investigation of the dismals to determine whether any regulations have been violated,' but added he was waiting for a report from McNinch. An unofficial inquiry was said, however, to be under way even though no complaints had been received. Wisner was consulting with friends about seeking a review of his ouster, since there was a possibility abolition of the press section can be ruled only a subterfuge to get around the law. The other two victims feared they have no recourse, since their jobs were abolished and they were not technically 'removed' in an illegal manner.

Craven Criticizes

Sharp blast at the majority came from Craven, while Arnold and Wisner also made public statements. Deploping the summary booting of 'men who had long and faithfully served this government,' the former Navy officer termed the trio 'efficient and honest' and openly complained that 'those individual commissioners who were taken by surprise were not accorded the courtesy to study the proposals at greater length.' He said the action involves

Batting .800

Washington, Nov. 15.

Records of the two examiners booted from the FCC payroll last week show the recommendations agreed with their recommendations in four-fifths of the cases where they received testimony, weighted evidence, and submitted opinions.

Recent analysis, which showed incidentally that the FCC was extremely far behind in its work as of Sept. 1, reveals Chief Examiner Arnold, who presided over hearings least often because of the burden of administrative work, was sustained in 9 of 11 cases and Assistant Chief Dalberg, who had submitted the most reports, 164, was sustained in 110 of 139. Gives Arnold a batting average of 91.8% and Dalberg 79.1%.

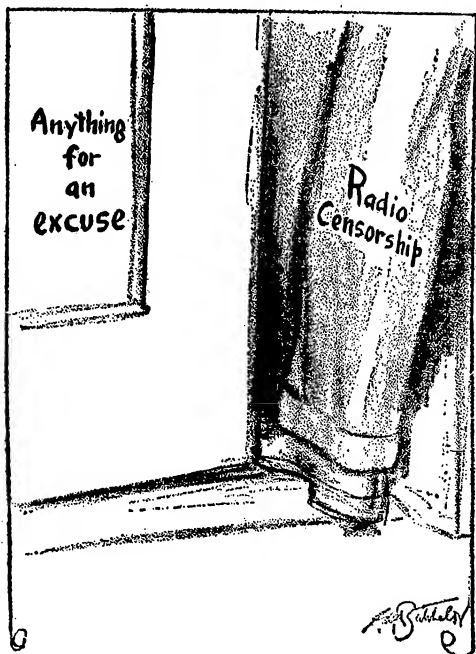
'undesirable control of the nation's communications system' as well as the 'sanctity of the merit system.'

In his own defense, Wisner noted he never has been asked to talk with the Chairman or the Commission about public relations matters and had received no instructions or statements of policy. With the remark he 'paid no attention to rumors he was after my scalp,' the press expert—who was in government service 12 years after being in New York World City Bureau Sun bureau here—declared 'it is evident in this case civil service broke down completely and the law was ignored by circumvention.'

Charles Farrell guesting with Bing Crosby on Kraft Dec. 8.

PROS, CONS ON McNINCH

THE TOE IN THE DOOR



Reprinted by courtesy of the Daily News, New York's Picture Newspaper

McNinch Broadcasts Disclaimer Of Any Wish to Exercise Censorship

Washington, Nov. 15. Flat denial of any intention to impose censorship on broadcasting was uttered Saturday night (12) by FCC Chairman Frank R. McNinch in nationwide program via three webs. Defensive speech contained assurance the government will not discourage private initiative but put station owners and network managements in position of complete responsibility for determining what type of microphone fodder is in the public interest.

Taking frequent pokes at members who do not trail behind him, the belligerent Commish whip-snapper contended he has stamped out numerous abuses in regulatory system, increased efficiency, curbed political intrigue, centered responsibility, and produced sundry other benefits for the industry and the public, in his year and a quarter in the driver's seat.

Speech, widely regarded as McNinch's swan song in view of his scheduled early return to the Power Commission, was devoted chiefly to giving the taxpayers his slant on internal workings of the FCC and answering what he termed, 'misleading and downright inaccurate accounts' of his asserted accomplishments published in a few unidentified newspapers. In his hurriedly-arranged talk, carried by CBS, NBC and MBS, the chairman made these points:

First, he has been busy 'charting a course of constructive regulation' and establishing fundamental policies. Second, he has speeded up action on cases, ended the 'scramble for licenses and renewals,' accomplished reforms which stamped out under-cover wire-pulling, and insured better coordination.

Taking cognizance of repeated criticism and seeking to minimize apparent political influence, McNinch termed a 'canard' the reports that he, his associates, or his predecessors were motivated by partisanship. He told the nation, in an unusual admission that such criticism exists, that 'neither the President nor any member of his family nor any of

the secretaries to the President nor anyone who even pretended to speak for the President or the White House has ever made the slightest suggestion to me about granting any license or denying any license.' While he limited his indignant disclaimer to license action, industry observers felt sure he meant to include construction permits, transfers and other types of applications.

Never Consulted F.D.R.

On the matter of censorship and government control, the beleaguered North Carolina reformer was both reassuring and subtly stern. He frankly confessed he never has consulted with the President about the individual actions he has taken to carry out his concept of the law and sought to ridicule individuals such as Commissioner T. A. M. Craven, who have voiced alarm over the course he is following. At the same time, however, he warned the industry the New Dealers intend to take steps which will 'make radio thoroughly democratic' and will apply whatever restraint is needed to prevent 'its becoming an instrument of injustice or unfairness to any and all political parties, to any racial, social economic, labor, producing or business group, to any minority or any class.' Both he and the President agree it is imperative to safeguard 'the right of free speech, of a free press and liberty of thought' while seeing that 'radio shall continue to make increasing contributions of entertainment and instruction toward a better way of life for all.'

Without specific reference to such direct or implied rebukes as those growing out of the Mae West incident, the 'Beyond the Horizon' dramatization, and the Marx program, the grim-visaged chairman laughed at the thought the Federal authorities may 'blue pencil the dance programs and the crop reports and the bedtime stories,' and applauded the industry for its attempts to improve program calibre. Censorship by any government agency is 'impracticable' (Continued on page 32)

HARD TO EVALUATE HIS NEW SYSTEM

Washington Lawyers Shudder at Prospective Increase in Burden of Digesting All Testimony—Others See New Openings for Political Buck-Passing

VAGUE AS IS

Washington, Nov. 15. Sweeping change in procedure affecting every future application, reducing possibility of appealing adverse decisions, and possibly conflicting with a vital U. S. Supreme Court opinion—is the result of abolition last week of the FCC examining department.

With the semi-independent referees now transferred to the law department, the new routine is a radical departure from established custom, not only in radio regulation but in all comparable executive agencies, and in the estimation of some attorneys greatly increases the menace of political rigging instead of assuring more impartial action. While legal profession is not unamiable, bulk of the barristers were apprehensive the novel system will develop grave defects.

In ousting Chief Examiner Davis G. Arnold and Assistant Chief Melvin H. Dalberg, the Commission at one swoop abandoned the established practice of having the testimony and documentary evidence summarized and weighed by an independent subordinate, and tele-scoped the process by which the record is built up. Step taken without consultation with practitioners, who have been waiting for week for chance to confer about proposed changes in legal routine.

Ostensible reason for the drastic shift was 'to expedite consideration of cases and to make it fuller and fairer to all parties,' besides minimizing duplication of work. Outiders were unable to see many benefits of this or any other sort, and feared the potential abuses will far outweigh potential advantages.

New System

Vague phrases in the order left room for considerable conjecture about the new procedure but apparently Commish henceforth will handle applications in this fashion: Whenever it is decided a hearing is necessary, the Commish will designate whatever evidence is presented before the whole body, a single member, or a group of 'one or more suitably qualified employees.' At hearing, presiding officer will act as a master or referee, ruling on motions, objections, etc. When proceedings are over, full transcript will be filed with the Commish and within 20 days parties must file 'proposed findings of fact and conclusions of law.' After studying attorneys' papers, the Commish in turn will file its own 'proposed report or findings of fact and conclusions of law,' making them public records. Within the next 20 days, dissatisfied parties can present exceptions and request oral argument. Then the Commish will hand down an opinion and decision.

Just how the procedure will work out is conjectural. Practicing attorneys were unanimous that only experience will show whether the benefits outweigh the disadvantages, although most agreed the potential dangers seem to be greater than prospective improvements.

Phrased Oddly

Whether the routine is legal or violates Constitution, the barristers and court rulings was a matter of dispute, while phraseology of the order occasioned confusion. Chairman Frank R. McNinch declared the order is in conformity with U. S. Supreme Court's position in a recent case involving regulations promulgated by the Agriculture Department. (Continued on page 32)

Arde Bulova's Radio Ambitions Due for Open Hearings at FCC

Washington, Nov. 15.

Roundabout inquiry into the radio aspirations of Arde Bulova, prominent Democratic angel and watch manufacturer, may follow FCC row over his latest application to expand present holdings in the broadcasting business. Request for consent to take over WPEN, Philadelphia, from estate of John Iraci, his former associate, was slated for public scrutiny over strong protests of two Commish members.

Slavish acquisition of new outlets by Bulova, presumably for the purpose of forming an Atlantic seaboard network, has occasioned comment and aroused suspicion which last week prompted Commissioners T. A. M. Craven, George Henry Payne, and Paul A. Walker to override the urgent pleas of Commissioners Norman S. Case and Eugene O. Sykes that the WPEN shift be approved without a hearing. As a result of the 3-2 split, there are three

applications in which Bulova has a stake now on the Commission's hearing docket. Others are purchase of WPG, Atlantic City (which is to be merged with WBIL, New York) and WINS, New York, in which he is associated with Milton H. Blum, whose advertising firm handles the Bulova Watch Co. account.

Sharp Exchange

Argument over the WPEN transfer was said to have been pointed and to have caused a sharp exchange between some of the participants. Although he has insisted that all transfer cases should be set down for hearing, Case moved to grant immediately in order to permit liquidation of the Iraci estate and benefit Mariannina C. Iraci, widow of the former proprietor. Vote also attracted attention because Commander Craven, while in private practice, has been consultant for and part owner of the Philly transmitters.

For some time there has been increasing comment about Bulova's activity, following disclosure a couple of years back that he had an interest, originally through loans, in several New England transmitters. His purchase of WLWL, New York, from the Paulist Fathers, following acquisition of WOV, New York, from Iraci, met with strong objections, which the FCC disregarded. More recently, Congressman Lawrence Connelly of Massachusetts has displayed intensive interest in the various Bulova maneuvers, to the extent that last year he made public an exchange of correspondence with Gov. Case about the matter.

While the object of the three card-ed hearings will be to develop facts about the individual WINS, WPG, and WPEN transactions, cumulative effect is likely to be a Commish decision on the desirability of allowing Bulova to continue to strengthen his position. When it comes time to pass on the separate applications, the FCC will be up against the policy laid down last year and reiterated in several subsequent cases under which a licensee is not permitted to take over another outlet in a situation where local monopoly might exist.

Bulova interests are bound to be aired during the monopoly inquiry which got under way Monday (14) as part of the general consideration of multiple ownership situations and interlocking relations between stations.

CASE TALKS TO PRESIDENT

Washington, Nov. 15.

Another slant on troubles of the FCC was given President Roosevelt Monday (14), when Commissioner Norman S. Case, whose term ran out last June and whose reappointment is due to go to Congress in January, had a long tele-a-lete at the White House. Exact nature of the conversation was not revealed, but Commish problems admittedly were discussed.

Visit of the former Rhode Island governor was seen as refutation of reports he will be ousted in a new endeavor to head off a Congressional inquiry. His cheerful manner after the huddle also seemed significant, although he said his status had not been taken up. At the same time, he indicated no doubt that Mr. Roosevelt will send his name to the Senate when the legislators come back.

Observers looked on the appointment as evidence the Chief Executive is anxious to get a view of the FCC from someone who occasionally is on the opposite side of the fence from Chairman Frank R. McNinch. For months the only Commish member to slip past the cordon of guards, has been the Chairman.

While Case refused to talk after the 45-minute seance, his manner suggested to associates that President Roosevelt is aware of the goings-on at the FCC and has not given blanket approval to everything which has happened. He may not be familiar with details of the recent tiffs over personnel, but Case's confidence was taken to prove that members who balk at McNinch proposals are not in the dog-house.

Empire Web Blows

Empire State network has folded after the election and a two months' existence. Organized by Harold Smith and Scott Howe, Bowen network members have reportedly proved uncooperative, forcing collapse this week.

WHN was the station in New York City.

Wanna Play, Pop?

Los Angeles, Nov. 15. Audience games aimed at oldsters has been contracted for sponsorship over KFI on Sundays. Carries tag of 'Mirandy's Soicable.' Bob Dennis, of Elwood Robinson agency, produces.

'Jury Trials' to Oklahoma

Mutual's participation show, 'Famous Jury Trials,' has added six stations of the Oklahoma network. F. Goodrich (dealer) will sponsor in new locale.

VARIETY

Services to the
Radio Trade

J. H. Williams, Inc.

★

Protected Material Dept.
(For Writers)

★

Local Program Registry
(For Sponsors, Stations)

★

Mail Department
New York—154 W. 46th Street
Chicago—54 W. Randolph
Hollywood—1708 N. Vine

Princeton's 10 Books on Radio

Scope of the Princeton University Radio Research Project is outlined in a report made last week by Paul F. Lazarfeld, the director. Report covers (1) publications in the works after two years of plowing the field, (2) the guiding principles, (3) future plans.

Most impressive is the number of books on various aspects of radio which will emerge with the emblem of the Princeton project. They are as follows:

1. **Measurement Techniques.** Critical analysis of the methods used to measure listening habits. Written by Frank Stanton of CBS.

2. **The Art of Asking Why.** Analysis of the more outstanding theories of motivation found in modern psychology, together with a critical discussion of their usefulness for an understanding of social action. By Paul Lazarfeld.

3. **Radio Commentators.** Rise of the commentator and news broadcast in this country, status and function. Written jointly by James Rorty and Hadley Cantril.

4. **Music on the Air.** This volume will contain a discussion of the changes radio brings about in the music world of our times. Separate studies will be concerned with the kind of musical programs broadcast, factors which account for the success of song hits, etc. The book will be the first comprehensive treatment of radio music, which covers two-thirds of all broadcasting production. By Theodore Wiesenbrund-Adorno.

5. **Radio and Reading.** Separate studies are in progress concerning the relationship between listening and reading habits on different groups. A general survey of the book programs on the air during recent years has been conducted. Special studies are being made in connection with three different kinds

of book programs currently broadcast over Station WOI, Ames, Iowa.

In cooperation with the Book-of-the-Month Club, information has been collected on three thousand people which permits comparisons of reading and listening. Professor Douglas Waples, of the University of Chicago Library School, is generously lending his advice for the theoretical discussion of the whole problem. The final form of this volume has not been determined.

6. **Studies in Educational Broadcasting.**

7. **Radio in Different Walks of Life.** Study on radio listening in a rural county in the middle west. The study is being financed and was originally planned by CBS and finished under her supervision. Also starting a study on radio listening among industrial workers to be conducted in an industrial community in New Jersey. Calls for cooperation with NBC.

8. **The Panel as a Tool in Listener Research.** Results of two experiments with listener panels. One involves a two months study with three hundred Newark high school students, and one is a six months study with 400 adults over the country.

9. **Statistical Methods as Applied to Radio Research.** Mainly for statisticians. Included in the series to show the wide range of research problems related to radio, and to promote the cause of quantitative methods in the social sciences.

10. **Handbook on Listener Research.** This book will summarize the methods developed by the Princeton Project. It will have a definite textbook character and be directed toward students in the social sciences. The book should provide a much needed methodological treatment for field workers in carrying on radio research. By Paul Lazarfeld.

Sunday News Ideal; Boscul Coffee Using 7 More Local Spielers

Philadelphia, Nov. 15. Seven stations were plussed this week by Boscul Coffee to the two which were being experimented with on Sunday night newscasts and many more will be added. Spot announcement campaign was simultaneously started on four other outlets to boost the 15-minute news broadcasts.

Exec of Ward Wheelock agency, which handles the account, declared it was felt that early Sunday evening was the most logical time of the week for news airings because of the lack of Sunday afternoon papers. "All week the commentators are fighting against newspapers," he said. "Here's the one time of the week when they have the news field all to themselves we figured, and results of our test campaign have shown us to be right."

Sponsor started the news broadcasts on WLW a year ago with Peter Grant gabbing at 7:30. When the 26-week contract expired in June, it was decided to continue through the summer, results had been so good. In the fall, KYW, Philly, was added, with Harry Wood announcing. On Sunday, the newscasts, with local announcers, were heard on KDKA, Pittsburgh; WHAM, Rochester; WSYR, Syracuse; WBAL, Baltimore; WDEL, Wilmington; WORK, York; WGAL, Lancaster. Spot supplements were started on WGR, Buffalo; WCAU, Philly; WFBR, Baltimore; and WCAE, Pittsburgh.

Newcasts are aired at 6:45, immediately preceding the Jack Benny show.

General Shaver Readies Pre-Christmas Sprint

General Shaver, electric razor, has adopted spot broadcasting for a pre-Christmas ballyhoo. It's buying an assortment of devices, including announcements, participations and sports programs, in every one of the major markets. Campaign will run four weeks, beginning Nov. 21. B. B. D. & O. is the agency.

Syd Cornell, radio scripter, signed by Rockwell-O'Keefe.

FLORISTS' REMINDERS

Chain Breaks on Holidays Sound Good to Posey Merchants

Members of the Florida Telegraph Delivery Association are arranging to find out whether announcement reminders can stimulate sales during the holiday. As a test the association is buying some chain breaks for a couple of days before Thanksgiving (24). Dates specified are Nov. 21 and 22. List will involve over 100 stations.

Young & Rubicam has the account. If the idea gets a worthwhile response it will be repeated just before Christmas and again before Easter.

FRANCHOT TONE IN PLAYLETS HEATED UP

On arrival in New York shortly Franchot Tone will take up final discussion of proposal for script series on NBC. Would be a half-hour once weekly, preferably on Sunday.

Elaine Sterne Carrington is already working on scripts for Tone, having conferred with him on the Coast during the past two weeks. She left Coast yesterday (Tuesday) by train for New York.

Herschell Hart Airing

Detroit, Nov. 15. Herschell Hart, whose "Air Gossip" column was dropped from Detroit News radio page some time ago along with program comment, art, etc., has picked up five-day-a-week sponsorship of his "Gossip of the Stars" broadcast over WWJ. Star Carpet Cleaners bankroll the Monday and Wednesday stints, with Moon Bros. taking the Tuesday, Thursday and Friday spots. Program covers highlights in evening's ether fare, plus sidelights about air personalities.

WWJ also has reinstated its "March of Youth" weekly broadcast, written by Myron Golden and produced by Axel Gruenberg. With Board of Education co-operating, variety program presents boys and girls of Detroit public schools.

Charles Borelli, former WFEN, Philadelphia, salesmen, has opened his own agency, handling New York accounts. He has offices with Harry Biben, theatrical booker.

REVOLT FLARES AGAINST TRANSCRIPTION BILLINGS OF BLACKETT-SAMPLE-HUMMERT

Tuthill's Mission

Dan Tuthill, manager of the NBC Artists' Service, returned last week from Hollywood where he had gone to inquire about the authority of the American Federation of Radio Artists to issue agency licenses for the Screen Actors Guild. Information that Tuthill brought back was that SAG proposed to do its own issuing of such licenses.

AFRA had also asserted that it was in a position to negotiate license agreements in behalf of the American Guild of Musical Artists but the network found that the AGMA wanted to do its own negotiating.

40% MUSIC WAGE TLT PROTESTED

Hollywood, Nov. 15.

Network representatives will get together with the executive board of the Los Angeles musicians union this week on a discussion of the local's new wage scale which involves an increase of 40% over current rates for cross-country broadcasting assignments. Three transcontinental weeks have appealed to Joseph N. Weber, American Federation of Musicians head, to intercede in the situation, but the latter has held that grievances must be taken up with the local.

Networks have taken the position that the local's demand that extra fees be paid for sustaining programs fed east is contrary to the understanding implied in the AFM settlement plan agreement. Webs have been under the impression that the annual expenditures for musicians employment to which they had committed themselves entitled them to use the men involved for transcontinental broadcasts as well as local, and without any extra charge.

Holdout Yields

New Orleans, Nov. 15. WDSU, New Orleans, last week signed a contract with the local musicians' union, thereby ending its status as one of the two holdouts from the settlement agreement between the American Federation of Musicians and the Independent Radio Network Affiliates. Fred Bernbach, of the AFM's executive board, and George Norton, of NBC's station relations department, came on to New Orleans to assist in straightening out the tangle between WDSU and the local union. Remaining holdout is KTBS, Shreveport.

Contract stipulates that the musicians must receive at least \$25 weekly, with the exception of pianists, whose scale is set at \$40 a week. Workweek is nine hours, one and a half hours of which must be put in daily within an eight-hour period. Sunday work is not included. Pact runs until Jan. 16, 1940.

PICK AND PAT AIDES REVISED BY MACMAHON

Musical elements in the Pick and Pat show for U. S. Tobacco are being reshuffled. Beginning Nov. 23 the Easton Boys plus four other male voices and a brass band conducted by Ray Block will take over the spots now held by Ed Rocker, baritone, and Benny Krueger's orchestra. Frank MacMahon produces the show direct for the account, while Arthur Kudner is the agency.

Robert Wood to Chicago

WOR, Newark, reshuffled its staff last week to take care of an opening in Chicago. Robert Wood was transferred to Chicago as local salesman for the station, while John P. Neil was named New York service contact for the midwest office. Nell comes from sales promotion.

Same Agency's Effort to 'Check Up' on Stations Gratis Exploitation of B-H-S Programs Also Brings Resentment

Broadcasters are beginning to revolt against the Blackett-Sample-Hummert practice of charging for the commercial platters that are shipped them. While the general murmur indicates that the matter is on the way to becoming an industry issue, the McClatchy group rates as the first to speak up loudly. Latter has advised the agency that it either cut out the deduction of \$1.67½ for each disc relayed for broadcasting or the group will take off the two serials involved, 'Ma Perkins' and 'Kitty Keene.' Both are Procter & Gamble shows.

McClatchy group, which also operates newspapers, can't understand on what business principle the agency bases the right to pass on the disc manufacturing charge to a station. Agencies don't charge the McClatchy newspapers for mats or cuts and the group sees no reason why the contrary should apply in the case of transcriptions. B-S-H outfit claims that the amount involved is the actual cost of the pressing and that the station should be glad to absorb it since the national spot rate and no production services are entailed.

Station reps who have in the past fought the special deduction charge at the instigation of their clients regard the simmering revolt with no little gratification. They recall that out of their own clashes had come anything but pleasant memories. Not only, they claim, have they had to take abusively worded letters but they became persona non grata around the agency. Time buyers or their assistants were never in when they either called in person or phoned. A shift in agency personnel was the only thing that changed this relationship.

Another Cause of Resentment

Washington, Nov. 15. Ears of Blackett-Sample-Hummert, Inc., radio advertising agency, were smartly boxed last week by the National Association of Broadcasters.

Announcement by the Chicago firm that it had decided to determine which stations do the best job in servicing their potential audience with information and interesting facts regarding the station's programs and accompanying explanation that B-S-H, Inc., stood ready to reward the leading station in Public Relations (of such and such) network for the best accounting in free newspaper line with an ad in 'leading trade papers,' drew a series of slaps and cuffs from the official industry spokesman. "Nothing short of attempted commercial coercion," snorted NAB.

Protestation was promptly straightened by NAB. "Newspaper space that is valuable and desirable in support of a radio campaign should be purchased and not begged," stormed President Neville Miller and his cohorts. "And the NAB cannot condone any efforts made upon its members to secure publicity in newspapers for commercial programs. Nor can it condone the other suggestions in your Public Relations Survey."

Tells 'Em Off

The American radio station prides itself upon its ability to get results for advertisers. The fact that year after year the volume of radio advertising has grown in record volume supports the assertion. The fact that year after year advertisers, through their agencies, have spent more and more money in radio is eloquent testimony of the ability of radio to make new friends and win new customers. These funds were largely spent upon the recommendation of the advertising agency, and upon its own record. Blackett-Sample-Hummert well knows the effectiveness of radio advertising, per se, else it would not have reached the commanding position it now holds in the placement of radio advertising.

"Radio stations are in the business of winning audiences through good program service. They are not in the business of billboard advertising, car cards, movie trailers, store window displays, or other special-

ized promotion. They are perfectly willing to lend every reasonable and legitimate cooperation toward widening the effectiveness of the sponsored commercial radio program."

Accusing agency of contributing to "unnecessary misunderstanding between press and radio," NAB further declared that basis for determining a transmitter's 'public relations' had nothing to do with obtaining free line in newspapers. Character and standard of the station's program service decided that problem, NAB pointed out, plus its ability to accumulate a loyal listening audience.

"This is what you buy for your clients," association insisted. "You do not buy free newspaper space for the publicizing of your programs. Radio stations have only time and talent and mass audiences for sale; not free newspaper space."

After thoroughly applying the razor-stop, NAB pointed out that its views—contained in a long and sizzling letter to B-S-H, Inc.—were being relayed to the membership of the association in a bulletin "going out this Friday."

Orson Welles Playlets For Campbell Will Be Romantic and Modern

Philadelphia, Nov. 15.

Orson Welles' Mercury Theatre on the Air was considered for Campbell Soup sponsorship last spring, even before he began broadcasting. Arthur A. Bailey, assistant to the prez of Ward Wheelock agency, declared here this week. Show was actually auditioned by Campbells in June, he said, although he made no denial of the fact that the Mars incident two weeks ago hurried their decision to ink the young producer to a term.

Bailey said there will be several changes in the show when the soup canner takes it over. Most important will be in choice of plays. New ones will be strictly modern and have plenty of romantic interest, as principal appeal is to the housewife, whom it isn't expected will go for thriller or intellectual stuff. Second change will be the use of guest stars. Names will be brought in to take part in the plays as an extra hypo for the C.A.B. rating.

Switch from Hollywood Hotel to the Welles dramatizations is merely completion of a change which has been gradually taking place for some time. H. H. made its first switch in principle by dropping previews in order to give completed stories. Idea caught on and longer and longer stories were used on the portion of the show known as 'Campbell Playhouse' and 'Orchid Room' idea got less and less important. Switch to Welles is merely a 'logical conclusion' to the gradual change which has been taking place.

Moving the show east from the Coast has no significance, Bailey maintained. It's just a natural result of the switch in type of entertainment. He said there was no dissatisfaction with Hollywood as a producing center.

Bailey declared that he does not expect Welles to achieve as high a C.A.B. at the start as 'Hollywood Hotel' now has, but he is confident he will build and the show will cost considerably less.

ETHYL WILL SPONSOR ANDRE KOSTELANETZ

Ethyl Gasoline Corp. is considering taking over the 10 to 10:30 spot on CBS Thursday night, which would put it in opposition to the first half of the Kraft Music Hall (NBC-red).

Andre Kostelanetz and a name vocalist yet to be engaged will share the Ethyl program's billing. B. B. D. & O. retains the account, although a westcoast agency was in the bidding with a program idea of its own.

Dobbsie claims he has picked such luminaries as Nelson Eddy, Horace Heidt and Tony Martin.

TRANSLATE U.S. FOR LATINS

Crossley Survey of Radio Normandy Due Same Time as Luxembourg's

James Ward of Crossley, Inc., has returned to New York from London where he set up and supervised a listener research project for International Broadcasting, Ltd., on behalf of Radio Normandy, France, which directs 70 hours of English-language programs weekly at the United Kingdom. Survey will appear late in November.

A similar survey into British listening habits was undertaken by a joint committee of the Incorporated Society of British Advertisers, Ltd., and the Incorporated Institute of Practitioners in Advertising. This was originally scheduled to include four continental stations, Luxembourg, Normandy, Lyons and Paris. At the last moment Normandy found that its wavelength was to be changed and asked a postponement of the survey. Lyons and Paris also withdrew. This survey was made with the entire cost borne by Radio Luxembourg.

It is probable the two surveys, the one made by the American research organization and the Luxembourg-financed joint committee report, will appear at the same time.

London Calling

Howard Clancy, announcer of the American NBC, has been booked by J. Walter Thompson Co. to compile a series of Horlicks Picture House broadcasts from the Scala theatre. He made radio history in England last month when he took over the announcing of Jay Wilbur's program, 'Melody Out of the Sky.' This was the first time an American announcer had officiated in a BBC studio.

Postmaster-General Major Tryon announced in House of Commons BBC will continue news broadcasts in French, German and Italian.

Sandy McPherson, from Metro's Empire, taking over at BBC theatre organ, Nov. 20. Was at the Leicester Square house since it opened 10 years since. They are not putting in another organist.

Radio Normandy renewed for a further 52 weeks by Van den Berg & Jurgens, through radio department of Lintas. The third edition of the UPC production 'Stork Radio Parade' is being continued. This program is put on as part of the stage show in front of the usual Wednesday evening audience at one of the chain of Granada cinemas. Van den Berg & Jurgens were the pioneers in the use of this type of public performance, since adopted by several other advertisers on sponsored radio.

International Broadcasting Ltd., has new publicity department, headed by J. B. Cameron. He joined IBC from Metal Box Co.

Wishbeck Camm, for the first time using the air to advertise Smedley's Peas. Booking for weekday morning time on Radio Normandy, placed by Lamson agency, who are also responsible for the program production.

Erwood agency on behalf of International Laboratories has renewed on Normandy. Products currently being advertised are Do-Do Asthma Tablets and Parmit. Programs are agency productions.

Carroll Levis doing more 'discoveries' for BBC, and has program going over Nov. 28; says his auditions have revealed at least 250 unknowns good enough to broadcast.

International Chemical Co. have extended their contract with Radio Normandy for a further period. Original contract was for Reudel Bath Salts while renewal covers Van French's Cleansing Mil, a new product of ICC. Contract was placed with IBC by C. Mitchell & Co.

MAYBE IT'S RYAN

Staid Hudson's Bay Follows Royal Mounties on Air

Saskatoon, Sask., Nov. 15. If the Royal Canadian Mounted can use radio, I guess we can, too, seems to be the idea behind the sudden departure from traditional staid methods of advertising of the Hudson's Bay Company, as historical as the Canadian west. Company now sponsors an amateur show from the store Saturdays over CFQC. R.C.M.P. succumbed to radio a month ago over CKCK, Regina. (New public relations head of Hudson's Bay Co. is Frank Ryan, former gen. mgr. of CKLW, Windsor, Ont.)

ALL-TALK IS NORMANDY NOVELTY

London, Nov. 8. Departure from Normandy's past rulings demanding 60% music in sponsored programs, is seen in a new 'Quiz' program going on the air for Genozo Toothpaste, Sunday, Nov. 27, and thereafter at 2:30 p. m. This program will contain no music at all, and will be the only broadcast on either Normandy or Luxembourg of this nature.

Genozo Toothpaste has hitherto been on the air from Normandy with Phil Park at the organ. Organ program now transfers to Thursdays.

Mather & Crowther, Genozo agents, will present the new 'Quiz' program in the form of general knowledge questions put to two rival teams of five each, with cut-in questions and answer commercial between compere and announcer in the middle and sold plug for product at end. Recordings made in London.

Teams will represent various occupations—housewives, V. traveling men, actors, actresses, etc. All contestants get gift of product, and individual winner a special prize. Wilfred Thomas, a concert platform singer, will compere, and Neil Arden will announce.

Guatemala Delegation

Washington, Nov. 15. Negotiators to arrange North American regional agreement carrying out the provisions of the Cairo convention were designated Saturday (12) by Secretary of State Cordell Hull.

Head of the U. S. delegation is Fay A. Des Portes, minister at Guatemala, whose associates will be Harvey B. Otterman, from the State Department, vice chairman; Lieut. Col. David M. Crawford, Signal Corps; Lieut. Comdr. Mervin W. Arps, Navy communications, and Gerald C. Gross, FCC engineering department. Cubist opens at Guatemala City, Nov. 24.

In Canada

Maple Leaf Milling Co. is using a special series of recorded commercial announcements in connection with the 'Dan and Sylvia' serial now running over 24 Canadian stations. Associated Broadcasting Co. did the cutting and Cockfield, Brown & Co., of Toronto, is the agency.

C. V. Chestnut, manager of CKCK, Regina, Sask., planned to Saskatoon for a sales meeting. Also spoke to Technocracy, Inc., meeting.

NBC'S SPECIALLY MADE RECORDS

Transcriptions Revealing Life in America Will Be Shortwaved to Argentine and Brazil

MORE FOR FRANCE

NBC has launched a foreign language goodwill builder which is similar to the one that CBS has been working out with a couple of Frenchmen, Jacques Friedland and Didier Van Ackere. NBC's series will be directed to Latin American listeners.

As happened in the case of Friedland and Van Ackere, NBC will have an expedition making on-the-scene recordings in Portuguese and Spanish of American business, social and industrial activities, with the discs later shortwaved southward over NBC's W3XAL, W3XL, W2KAD and W8XK. The two brought in to work on the Latin American platters are Arthur S. Deter and John Alfred Barrett, two Americans that had been brought up as missionaries' children in Brazil and Porto Rico, respectively.

Already on tour doing a like series with NBC co-operation, but for French listeners are Henri Diamant Berger, of the French Ministry of Communications, and J. Harrison Hartley, assistant director of NBC's special events division. All five will work together on the transcriptions.

CHRISTMAS SHOPPING SHOW NEW OVERSEAS

London, Nov. 8.

Ebe Products, Ltd., maker of Ebe Bath Powders, took to Radio Normandy yesterday (7) with a special daily series up to Dec. 24 advising British listeners on Christmas shopping hints and postal shipping arrangement. Both account and idea is new to commercial radio on the continent.

Contract placed by J. H. Hare & Partners through the International Broadcasting Co.

In Australia

Gulla Busiabo will give a series of concerts for the Australian Broadcasting Commission in November. American violinist highly successful throughout Victoria.

Politicians here will not follow lead of New Zealand in putting on political debates from within Parliament House. In N.Z. radio is controlled by a Labor government.

Postmaster-General (Senator Mc-

Argentine on Anxious Seat; Faces 10% Tax as Socialist Bill Voted Down as Too Tough

SABLON BACK TO FRANCE

Singer's First Break Was 'Hotel' Program Which Now Folds

Hollywood, Nov. 15. Jean Sablon returns to France in December for motion picture work. This follows the fold of the Campbell Soup 'Hollywood Hotel' which was the singer's first important commercial.

Off-tagged as a radio bet, Sablon did not translate expectations into recognition until the rather belated break this fall and he joined 'Hollywood Hotel' as it was going into the downtown.

CARDINAL MAY CONDEMN BEER ADS

Montreal, Nov. 15.

Reported here that Cardinal Villeneuve will make representations to the Provincial Government shortly to ban the use of radio, newspapers and periodicals for advertising liquor. A pastoral letter signed by Cardinal Villeneuve, condemning the use of any medium for advertising alcoholic beverages, has been prepared for the use of 1,400 Roman Catholic churches in the province of Quebec.

Blast against liquor advertising, evidently aimed at radio commercials, calls attention to 'condemnable publicity' during the past few years in favor of beer and to the resulting 'alcoholic tide sweeping the province after having been absent almost a quarter of a century.'

Last attempt to regulate beer advertising over radio in Quebec was made by Canadian Broadcasting Corp., with result that Premier Duplessis pointed out that this Province would fight against any attempted infringement of autonomy under the Act of Confederation.

CBC network does not carry liquor commercials, only privately-owned stations in this province being affected.

Lachlan strongly denied that any political pressure was employed in making staff appointments to the Australian Broadcasting Commission—national station operators. P.G. stated only those applicants with the necessary qualifications secured a position. Reply was made following a question asked by a Labor member in Canberra.

Straitjacketing Radio News Opposed By Many Canadian Daily Publishers

Montreal, Nov. 15.

Reported here that directors of Canadian Press are split wide open on question of Government control of news broadcasting. Understanding is that publishers in Halifax, St. John, Montreal and Toronto owning radio stations will do all in their power to force the Canadian Press to abandon a plan which resembles too closely policies enforced in totalitarian states. Other newspaper proprietors in cities such as Hamilton, St. Catherine, London, Windsor, Regina, and Vancouver, may not own radio stations but are taking time for planning to take time on local stations for news broadcasting.

These publishers would also oppose Government intervention.

With talk of new Federal Government elections probably coming up some time next year, privately-owned stations and newspaper publishers opposed to Government control of newscasts feel confident that it would be difficult for the Canadian Press to persuade the Government that it would be a propitious time to inaugurate state control of radio news and comment. Liberal Government now in power would scarcely seek to antagonize publishers over an issue which would prove embarrassing and politically unprofitable.

Buenos Aires, Nov. 9.

Campaign which commenced with lot of fuss about three month ago for the purpose of 'purifying' the Argentine broadcasting system is still under way, and a special committee with the imposing title of 'Committee of study and reorganization of radio broadcasting' has been appointed to go into the matter, but it is moving very slowly. There is a spirit of 'nationalization' in Argentina at the present time, and there are schemes afoot to intervene and secure control of many industries which up to the present have been of a purely private nature. Radio is looked upon as a good way to increase the fiscal revenues and no opportunity is lost by legislators in finding ways and means of taxing it.

Recently Senator Alfredo L. Palacios, Socialist, presented a bill before the chamber whereby all radio advertising would be taxed to the extent of five Argentine centavos per word. Palacios said that the money derived from this tax should be devoted to helping to meet the expenses of the law affording protection to children. There was a tremendous upheaval in the radio world when the scheme was put forward, as if the bill was made law it would have meant paying taxes amounting to 8,000,000 Argentine pesos from an industry which only receives 8,000,000 pesos in advertising contracts per annum. Bill, however, was voted down by the chamber.

Commission with the lengthy title has been carrying on its investigation for some while, but so far does not appear to have achieved anything. Few days ago it presented first report to the Argentine General Post Master, Dr. Escobar.

Believed that the final report will not be submitted until January and the government will take another three or four months to study the matter. Afterwards it will be passed to the legislators with the result that the broadcasters for at least eight months more will remain in uncertainty.

All Urge Speed

Commission is studying replies made by the owners of broadcasting stations to a questionnaire and replies received from industrial and business firms regarding the value of radio as an advertising factor, and also notes from different cultural and artistic organizations. Some of them protested against the manner in which the commission was formed whilst others counsel care and serenity in giving a final verdict regarding the matter. All of them, however, urged the commission to hurry up with investigation and put an end to a situation which is becoming intolerable for the broadcasters, advertisers and the public.

It seems, however, that the radio interests are not going to be left alone, for no sooner had the chamber of deputies rejected the proposed tax of five cents per word on all advertising sent through the mails, than the word was passed round the local stations that the government intended to impose a tax of 10% on all contracts between the stations and the advertisers, and the general feeling is that this scheme will probably pass.

Certain quarters believe that the broadcasters are piling up millions. But the 10% will make the difference between running stations at a profit or at a loss in some cases.

Broadcasters are preparing to combat the latest scheme as unconstitutional. If a 10% tax is placed on all radio contracts then the same tax they argue should be applied to all other advertising such as newspapers, streets cars, and even to the pamphlets distributed in the streets.

Commonwealth Network (Albert-Douglas) admet another commercial, 2 HD, Newcastle.

31 Delegates at St. Louis Convention

Mrs. Holt's Report Urges Consolidation of Overlapping Actor Unions

By SAM X. HURST

St. Louis, Nov. 15. Mrs. Emily Holt in the opening meeting Monday (14) recommended that some form of consolidation of AFRA, SAG, Equity and AGMA be worked out. In an 81 minute report, she stressed that each branch, in any consolidation that might be worked out, should maintain autonomy in its field of activity. She reported that sentiment for such a plan was rapidly becoming a demand from the rank and file.

Mrs. Holt stated that of 6,000 members of AFRA, more than 2,000 are members of two or more similar unions. Over and above the matter of duplication of expense in representing these interchangeable members we find many common problems between AFRA and its sponsors such as the matter of artists' bureaus and agents and desirable legislation that will effect us all.

This was the highlight of the report which showed the growth of AFRA from a membership of 400 in Aug. 16, 1937 to 6,000 at the present time, and consistent demands for AFRA's aid in organizing artists in many communities where radio actors are now unorganized.

Mrs. Holt's report brought to light that during the past year there were

strengthening the fact that AFRA had been able to ensure that its minimum scale of compensation was recognized on such work.

Relationship between AFRA and AFM, IBEW, ACA and American Broadcasting Technicians was also touched on by Mrs. Holt who said that AFRA has a particular interest in the proposed movement for peace between the AFL and CIO and the delegates would have this subject before them for action.

Allen Corelli, exec. secy. of Theatre Authority, in a closed session Monday afternoon, discussed the functions and urged the advantages of the Theatre Authority in controlling the use of benefit rackets and preventing the use of artists without compensation for charity until the projects have been thoroughly investigated and found worthy.

There are 31 delegates representing 92 proxies present at convention. A dinner with Marvin E. Mueller, galsors of AFRA, St. Louis, at m.c., was held Monday night. Radio engagements prevented Eddie Cantor, prez., Lawrence Tibbett, Bing Crosby, Fred Arnold, Grace Moore, Margaret Spears, Ben Grauer, Jimmy Wallington, Lanny Ross, James Melton, Richard Bonelli, Kenny Baker, Edgar Bergen, Dick Powell, Jean Herscholt and Warren Holt from being present during the confab but all wired regrets and sent proxies by other delegates.

Herscholt and Arnold underwrote the entire expenses of the Los Angeles delegates, Georgia Fife and Lindsay MacHarrie.

Equity assigned counsel Paul N. Turner to cover the convention of the American Federation of Radio Artists, which opened its first convention in St. Louis Monday (14). Actors have a special interest in the affairs of AFRA, since it has a stake in the union's affairs, Equity and the Screen Actors Guild having financed the organization drive of the radio branch to the estimated extent of \$25,000.

Turner is also counsel for the Associated Actors and Artists of America, of which AFRA is an affiliate, and has been active in advising the latter since its inception last year. Stated that Equity, in relinquishing its jurisdiction over radio, except the television branch, over the protests of some factors in the actors' body, realized that by so doing an organization headache was being side-stepped.

Locals Troublesome

AFRA is the only union within the Four A's set-up that has locals, the others having branch offices along the lines of Equity's operation. Known that there is considerable controversy among the radio union's locals as to which one should be designated as the dominating body. Chicago and Los Angeles, especially, are said to have questioned New York's rating in this respect. Convention may straighten out that situation, which may lead to stabilization of radio.

While a way was found to control working conditions with the chains of artists on sustaining programs, major problem appears to be that of deals with the commercial sponsors, each of which demands its own conditions through ad agencies, which dictate programs.

Recommendation that AFRA approve settlement of differences between AFM and CIO was adopted at meeting Monday night but action on proposal to consolidate AFRA, SAG, Equity, etc., was deferred until the Los Angeles delegates received word from their local. Possibility that convention may run over until Wednesday and possibly Thursday. Cincinnati delegates must leave today (Tuesday).

Following are delegates to this week's AFRA convention. There is little likelihood that Eddie Cantor will be on hand. Only session that will be open will be the first one Monday. The delegates:

New York
Ted DeCortia
Robert Waldrop
Alex McKee
John Pickard.
Los Angeles
Norman Field
Georgia Fife
Lindsay MacHarrie
Mary Gayer Field.
San Francisco
Vic Connors

W. C. FIELDS OFF AIR

Quits Luckies-Repeating Chase & Sanborn Complaint

Hollywood, Nov. 15. Another Hollywood air program has been wiped out with settlement of W. C. Fields' contract by Lord & Taylor acting for its account, Lucky Strike. Covenant had 22 programs left of original 26. Comc netted \$5,000 for 12 minutes work each week.

Fields complained of script trouble and preferred to call it quits. It was for same reason he left Chase & Sanborn show.

Luckies left him inserting Fields from Hollywood on Hit Parade. George McGarett produced Fields pickup. No comedy replacement is likely. Show resumes straight music from east. McGarett returns east after short restup.

McNinch Broadcasts

(Continued from page 27)

and definitely objectionable besides contradictory to democratic ideals, in his estimation.

In a move to "lay the ghost of censorship," McNinch credited licensees with conscientious efforts to carry out their obligations. Many ticket holders are "sneering their programs critically," he conceded, and seeking to raise the quality. In this connection, he referred to the network agreement to restrict use of words "flash" and "bulletin."

Discharge of seven Commish employees was defended as necessary to insure efficient operation, while McNinch scoffed at the idea he has shown no reverence for the civil service statutes. Abolition of the broadcast, telegraph and telephone divisions was necessary to centralize responsibility, while discharge of the chief counsel, chief examiner, assistant chief examiner and information expert was part of the endeavor "to correct such bad conditions as were known to exist and to prevent the possibility of those that were rumored or suspected."

While expressing casual regret that anyone lost a job, the Chairman laughed at the idea he is conducting a "purge." Four of the seven ousted staffers were outside the merit system, three holding "purely political appointments" which in reality were "soft snaps," he said. The other three, while occupying positions where fitness is the sole test, "did not fit in elsewhere" when it was decided to wipe out the jobs.

Spectre of further similar executions was raised. As he denied political play a part in past gillotining, McNinch observed other members of the staff must be "reassigned" to different places or be dismissed. No hint who may be under indictment or whether the "other places" are within the FCC.

Brief reference made to the monopoly network probe launched this week to offset sweeping Congressional investigation of the Commish and the industry. Without making any accusations, FCC steered promise "to go to the bottom of the situation" regarding illegal shift of control and responsibility, to give transcription services a shift test and to find out if concentration of ownership and control is dangerous. When studies are over, the Commish will take whatever remedial steps are necessary either through promulgating new rules or recommending additional legislation.

Tex Maxwell
John Hughes

Cincinnati

Louis Levy
Jack Zoller

Denver

Betty Stulla

St. Louis

Elliott Berneid

Adelaide Tarrant

Marvin E. Mueller

Detroit

Gwen DeLancy

Chicago

Raymond Jones

Phil Lord

Anne Heymour

Leo Cule

James P. Holmes

Charles Calvert

Gene Byron

Officers

Mrs. Emily Holt

George Heller

Paul Turner

Henry James Marston

Alan Corelli (Theatre Authority).

Lum and Abner renewed for another 17 weeks through May 1 by General Foods (Postum).

Pros, Cons on McNinch

(Continued from page 27)

partment, but his contention was challenged in several quarters.

One of the chief objections was that the change will increase the burden upon parties, notably their counsel. Instead of having an examiner analyze and weigh the testimony, every participating lawyer now must scrutinize the record and speedily decide what he thinks the evidence shows. This will be a material hardship upon barristers who have several cases on the docket in rapid succession, although it naturally is hoped the FCC will grant continuances when pressure of business makes it impossible to comply with the 20-day limit.

Most common and strongest objection was that the new system allows more room for political wire-pulling instead of automatically insuring greater degree of fairness as claimed by McNinch. More than ever before, the treatment given applicants hinges upon the integrity, honesty, and conscientiousness of the seven-man tribunal, with one of the safeguards against jobbing removed.

Embarrassed

In the past, with examiners independently taking testimony and presenting recommendations, it has been necessary for the Commish to reverse its own decisions. In the report did not provide the result a majority wished. This has been greatly embarrassing as McNinch has confessed privately in talks about the now-discarded method, and has made the cases of favoritism far more conspicuous. From now on, with the Commish deciding, it is to be expected that the presentation of evidence, cases can be rigged from the outset whenever a majority is subject to political heat.

Two other serious complaints were made. Some attorneys were at a loss to understand whether there will be a "statement of facts" in effect a summary of the case presented by each party without any attempt to weigh the testimony—because of unclear language in the order and apparent conflicting explanation by the Chairman. Even more alarm was felt over the possibility the Commish will not give any hint of how it may be inclined to decide the case, thus forcing barristers to shoot in the dark at oral arguments.

Both points appeared well taken. The order stated the Commish would make known either its "proposed report" or its "findings of fact and conclusions of law," saying nothing about a tentative decision or a summary of the evidence suggesting the basis for the findings and conclusions. Would be necessary to search through voluminous records to find what bit of testimony swayed the Commish while experience has shown the "findings of fact" are not necessarily in harmony with the ultimate decision. During the past year, the District of Columbia Court of Appeals has had occasion to rebuke the FCC for failing to stick to the obvious facts in its final opinions and, in effect, has said the Commish would have done better if it had followed the reports and reasoning of its examiners.

Lawyers were thrown into a dither by another apparent oversight. The Commish failed to state whether present rules of procedure are entirely nullified, whether the portions in conflict with the new system have been repealed, or how hearings will be conducted in the case the entire code has been discarded.

Still Secret

One reform for which the entire bar has been clamoring was completely overlooked. Commish took no stand on the question of secret memoranda from the legal and engineering departments. Only a few weeks ago, the Communication Bar Association requested a clause in proposed new rules of procedure removing the veil from all sub rosa opinions, so the record would show clearly every factor which influenced the Commish. It is possible the Commish, in making its tentative findings will take these into consideration so that unknowingly attorneys can argue against the views of FCC engineers, lawyers, and accountants. Nothing in the order assures, however, that this will be the case. Nor does the resolution require disclosure of these reports.

Whether the new routine will expedite settlement of litigation was another question lawyers could not answer. Examination of the order indicated McNinch did not understand all its implications when he

told newspaper men the Commish would be compelled to make public its findings within a specified period. Because members are occupied with so many other matters and—even with testimony being taken by the individuals—have no other choice—lag of months has not been unusual, it was difficult to understand how the decisions will be speeded up. Especially if the Commish is expected to read thoroughly the record, which frequently runs to 500 pages plus scores of exhibits, affidavits, and documents of various types.

Bar Assn. Angle

One phase of the order appeared certain to provoke hot debate in legal circles and possibly become the subject of consideration by the American Bar Association, which has been fighting vigorously against the technique of several quasi-judicial agencies of the government. This was the tightening of the link between the law department and the Commish.

In the past, Commish attorneys often have been the only opponent of applications and they alone have brought to light important evidence. Under the revised system, it is more than possible they will act simultaneously as prosecutor and judge, dominating the hearings and it is entirely conceivable that on complaints they would become grand jury, prosecutor, presiding officer, and advisory to the final deciders. On several occasions in the past, it has been advocated that the relationship between the attorney who prosecutes a case and the lawyer who advises the Commish be severed. The change seems to link them closer, offering even more opportunity for conspiracy and skulduggery.

By its sudden action, the Commish left the Bar Association poking at windmills. Only two weeks ago the professional group submitted a brief containing several pertinent comments on hearing procedure and presenting a strong argument against some phases of the operation. While the Commish did embody a few of the ideas for which the lawyers were contending, on other more vital points it seemingly paid no attention. The request that the individual presiding over a hearing be required to submit report "setting out in detail and with particularity all basic or evidentiary facts developed by the evidence together with appropriate citations to the transcript of record or exhibit relief on appears to have been snubbed, leaving the idea that any document received from any source be part of the public record. Petition for a conference on these matters was automatically rejected.

Examiners' Fate

What the former examiners will do in the future was unsettled. Talk heard they may be assigned to insure not necessarily in harmony with the ultimate decision. During the past year, the District of Columbia Court of Appeals has had occasion to rebuke the FCC for failing to stick to the obvious facts in its final opinions and, in effect, has said the Commish would have done better if it had followed the reports and reasoning of its examiners.

Puzzling aspect of the order is a clause which may render the entire resolution illegal. In describing the future routine, the Commish said that "after the close of the hearing the Commissioner or board . . . shall have authority to entertain motions to correct the record . . ." and then added that such individuals "shall have no further authority with respect to the proceeding." While it is thought the Commish meant to prevent any single member or subordinate from passing on such request, petition to reopen the record, there was some chance this clause would be construed as barring a Commissioner who sat over a proceeding from voting on the final decision. In this event it would be patently in conflict with the law, since only conscience or some demonstrable disqualification—such as material bias or prejudice—would ground for preventing any person on Federal judicial agency from participating in determination of cases.

Dorothy Rochelle's New Spot

Dorothy Rochelle, vocalist on the "Band Goes to Town" show five mornings a week over WEAF, began her own Friday afternoon sustainer Nov. 25 over WJZ.

She will retain her spot on the "Band" stanza.

No Free Ducats

St. Louis, Nov. 15. Alan Corelli has strongly urged AFRA to adopt a plan whereby a national association fee would be charged all those who attend studio broadcasts throughout the nation. This is a plan similar to the Seamen's Fund.

Revenue derived from such admissions would become a fund to assist indigent theatrical performers.

only four instances where friction with radio employers over union activities caused AFRA to step in to settle the matter. In Cincinnati, Mrs. Holt said, a gabber for a CBS affiliate was discharged but AFRA's intervention resulted in him being transferred to Chicago at an increase in salary. In Seattle, the gabber of an independently operated station, discharged for alleged union activity, was transferred to Los Angeles where he found a better job. In Denver, a gabber of an affiliate NBC station, who was fired, was reinstated by stipulation. In St. Louis, Richard Favey, a gabber, of KSD, was fired because he was not an officership in the local organization, but intervention by Henry Jaffe, for AFRA, resulted in his being reinstated and receiving a month's back pay and a month's vacation.

Favey's Case
Mrs. Holt stated that this was the underlying basis of the present case now pending before NLRB in Washington. Favey's discharge resulted in AFRA asking that gabbers be included with actors and singers in bargaining unit and when station owners refused, the matter was brought before NLRB which held a hearing here several months ago. Oral arguments on this case, which Mrs. Holt said was very vital to the whole industry, were made in Washington on Nov. 3.

AFRA's agenda for the coming year, Mrs. Holt said, included negotiation for uniform scales and working conditions with station owners in Cincinnati, Detroit, St. Louis and Denver and for staff announcers in Boston, Washington, Philadelphia and Pittsburgh as well as negotiations for those classes of members who have not yet been covered in the existing contracts.

AFRA, Mrs. Holt stated, is now negotiating with WHN and WEVD in New York, WGY in Schenectady and KNX in Los Angeles for contracts for radio employees.

Fraises Wagner Act

She also revealed that the Wagner Act had been a tremendous boom for AFRA, enabling it to grow so rapidly with a minimum of hazard to its members. Mrs. Holt also touched on the relationship of AFRA with various WPA projects and other Federal and State relief activities.

Those Hot 'n' Cold Ad Agencies

Talent agents are beginning to find one method of ad agency business procedure wearing. This is the practice of advising the agent that it is necessary that the availability date of a certain name be known right away and then having the agent wait a week or two for confirmation.

In most instances nothing materializes from these rush demands, with the result that the agent is holding the bag for long distance calls and multiple telegrams.

MILWAUKEE APPLIES FOR VISIO LICENSE

Milwaukee, Nov. 15. WTMJ has made application for a license of the programming of a regular schedule of television shows. Station will telecast every type of show, through the use of both direct studio and sound film ethervising.

To test televis reception WTMJ is making arrangements to distribute sets at its own expense. Sets, which will be of varying types and styles, will be placed in some 50 spots throughout Milwaukee, in homes as well as public places where the general listener-viewer can get a peek and earful.

G. E. MAN STUDIES VISIO

But Audience Reaction, Not Mechanics, Interests Him

Bridgeport, Nov. 15. E. H. Vogel of radio division of General Electric's Bridgeport plant has gone abroad to study television in England, France and Germany.

Vogel's aim is not to check on technical developments but European audience reaction, ideas for commercial operation, and effects of visio if any on radio and films.

G. E. exec due back before end of year.

40% INDIFFERENCE?

Cleveland Survey Indicates Football Not Universal In Appeal

Cleveland, Nov. 15. After making a telephone survey which showed that 40% of the listeners weren't interested in football broadcasts Saturday afternoons, L. O. Klivens, of Burt's Jewelry Store, has bought a two-hour period of transcribed music on WCLE as contrasting diversion. With the addition of the Saturday matinee obligation, the installment house becomes the largest buyer of radio time in this area. It's using nine hours a week and on the same station.

Rest of the schedule consists of five one-hour morning sessions, 'Wake Up and Sing,' and a two-hour community sing and amateur show staged in a theatre Sundays. Tickets for the latter are distributed from the store, with the recipients required to call in person. Burt's also underwrites a jitterbug dance at the Aragon ballroom Tuesday nights.

Gene Duckwell now biz manager of Lord & Thomas radio department in Hollywood.

Cleve. Promoters Feed Foreign Shows To WADC, Akron, 40 Miles Distant

Cleveland, Nov. 15. Taking advantage of Cleveland stations' unwritten taboo on small-time commercials in alien tongues, James J. Rattay and Paul Faut are building a new studio here with the idea of cornering the market of foreign nabe merchants willing to buy air time.

Cosmopolitan Broadcasting Co. is name of project, located in the heart of the city's melting-pot nationality centers. FCC has repeatedly turned down license applications for a fifth station in Cleveland, but the new combine is getting around that technicality by doing a Ripley.

Although not permitted an outlet here, Rattay and Faut are going out of town to find one in the form of WADC in Akron, O., 40-odd miles

away. Foreign programs will be piped to the Akron station for broadcasting.

Polish musical show fed to Akron outlet Sunday (13) baptized new move. Despite a certain slowness of foreign advertisers to grasp the roundabout method of broadcasting, studio is skedding Czech, Lithuanian, Italian and German shows for its pipe line.

Americanized

WCLE, which dropped them when it took over the defunct WJAY, is gradually building up foreign-sponsored programs again but on a strictly Americanized basis. Benesch-Federman Furniture Co., one of WJAY's old accounts for eight years, was won over when it was pointed out that only 3% of Cleveland's polyglot population can speak Bohemian.

Portland Glad It's Over

Portland, Ore., Nov. 15. With elections over, local stations reached for the aspirin. In the history of radio in these parts there never has been such a demand for political time. It was a clean-up financially for the stations, but it knocked their schedules groggy.

Leading local stations of the KOIN-KALE group on the one hand and the KGW-KEK group on the other maintained their own strong censorship of all political copy and made it stick. Calling names had to be done politely. There were numerous squawks from the ardent office-seekers with a pet peeve, but only one case in which the sparks flew.

This was where City Commissioner Bennett proposed to unload some dynamite over KGW. That station censored several paragraphs of his speech in advance. Bennett accused KGW of political favoritism and even went so far as to buy advertising space in a local daily to air his latest peeve against the radio station.

Cantor East 'Til Jan.

Eddie Cantor will remain in the east with his Camel program troupe until around Jan. 1.

He has advised his agency, William Esty Co., that his plans are still indefinite and that when he does leave for Hollywood it won't be a week or two before the end of December, and that the chances are that he might defer the western trek to Jan. 15.

Dick Tripp at KGKY

Lincoln, Nov. 15. Dick Tripp, newscaster who huffed and walked over salary differences at KFAB-KFOR here, has been taken on by KGKY, Scottsbluff, Neb. Was in Chi for three weeks, coming out to join the western Nebraska station (10).

The Invisible Man!!

BEHIND the successful operation of every great radio station a group of skilled craftsmen stand ready for any and every emergency . . . to see that listeners' pleasure is uninterrupted . . . to see that advertisers programs are broadcast successfully.

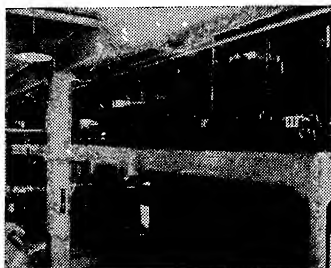
From the pioneering of WLW's first 50 watt "super-power" station, to the successful operation of its present transmitting plant, the Nation's Station's Engineering Department has been consistently shouldering the burden of new developments, research and experimentation to bring you better service.

The trail has been marked by many contributions to the industry, such as: the over modulation limiter, recently placed on the market by several manufacturers; automatic current regulated AC filament supply for 100,000 watt vacuum tubes; glass pipe water insulation system; ultra modern dual channel studio control equipment, etc.

Every one of WLW's 65 Engineers has been chosen for his competency and efficiency . . . your assurance that your program placed on WLW will be transmitted as successfully as modern science permits.

R. J. Rockwell

WLW Technical Supervisor.



View showing bank of 60 special high reactance filament transformers supplying filament heating power to WLW transmitting tubes . . . featuring complete elimination of all step-starting devices.

Where rubber hosing was formerly used, WLW uses glass tubing to insulate the 12,000 volts used on tubes of the high power amplifier from ground, allowing the water to enter and leave the tubes, WLW is the first radio station in the country to adopt glass tubing for this purpose.



R. J. Rockwell, WLW's Technical Supervisor, inspects the insulation of one of the vacuum tubes. The total investment in these tubes alone runs into many thousands of dollars.

SALT LAKE CITY

Is
Responsive

PARTICULARLY for
ADVERTISERS USING

The
POPULAR
STATION

KDYL

SALT LAKE CITY
Representative:
John Blair & Co.



... these things, too, we think are

part of the story of WLW

Sarnoff Wants Self-Reg

(Continued from page 26)

The integration of our activities provides a broad basis for radio research and experiment, for development of new products, services and methods, for cooperation with the government in times of peace or war, and for service to other radio organizations and to the public. . . .

RCA leadership in radio research is recognized in the world. States and throughout the world. Our organization encounters in the field of research nothing like the consistent, able competition it meets in the operating fields of communications, manufacture, and broadcasting. Yet, the benefits of RCA research are made as readily available to competitive services as to our own, and it must be borne in mind that there is no profit in research until after its discoveries have been translated into products and services.

A case in point is television—which will add the services of radio sight to those of sound. RCA has been actively engaged in television research for more than ten years, and has spent millions of dollars to bring it to the verge of useful public service. Financially, this development is still a subject of outgo rather than income.

Nevertheless, 65 radio manufacturers in the United States already have been licensed by the RCA to make use of its inventions in this field. When commercial television licenses are granted by this Commission, a competitor, the Columbia Broadcasting System, using an RCA transmitter, will be able to go on the air with commercial television programs as promptly as NBC. RCA television transmitters are equally available for purchase by others who may desire to enter this field. . . .

During early years of broadcasting, RCA operated local broadcasting stations, of which the most important was WJZ, in New York City. RCA also experimented with various station hook-ups, using telegraph lines.

After five years of hectic development, broadcasting stood at the crossroads. The alternatives were either to evolve a basis of support by private enterprise, or to seek a government subsidy, with an attendant tax on receiving sets and the natural consequence: government broadcasting.

Creation of Networks
Fortunately for the United States, the democratic answer was found by private enterprise. In 1926, RCA purchased Station WEAF from the American Telephone & Telegraph Company, arranged to lease AT&T wire lines for interconnection with other stations, and organized the National Broadcasting Company. NBC then took over the experimental program service which the telephone company had instituted, and extended it to a group of independent stations, which—with WEAF as the

key station—became the Red Network.

Network broadcasting provided greatly improved programs by tapping the talent centers of the nation and syndicating these programs over telephone lines to local, independent stations. Not only did the network system appeal to the listeners and the independent station owners, but it also attracted the business interests of the nation to the use of radio broadcasting as an advertising medium. The economic support thus developed met the needs of the three parties whose interests were at stake: the public, the station owner, and the advertiser.

To the public, the network brought a new world of ideas, of music, of enjoyment centered in the home. It turned the page to a new chapter of America's social history.

For the station owner, the network provided programs—both commercial and sustaining—of a quality he could not individually afford, and with talent not physically accessible to his station. It brought him revenue from national as well as local commercial sponsors.

To the advertiser, the network furnished a large circulation spread over a wide area. Such circulation justified, over and above the cost of station time, the talent expense of high quality programs. It is worthy of remark that the enterprise which broadcasters have displayed in building the American system of broadcasting has been paralleled by the enterprise of the business men who so quickly recognized the advertising power of the new medium. . . .

Freedom of Radio
The American people have a free radio because they have a broadcasting industry that pays its own way. Those who object to commercial announcements on the air are apt to forget that it is the revenue from these announcements which makes it possible for them to hear regularly a symphony orchestra conducted by Toscanini, the broadcasts of the Metropolitan Opera, America's Town Meeting of the Air, the National Farm and Home Hour, the Damrosch Music Appreciation Hour, and many other costly sustaining features of the networks. A single radio performance of any one of these programs would be an event of outstanding importance in other countries. I think I am making a simple statement of fact when I say that the people of the United States are provided with the finest and most varied radio programs produced anywhere in the world. And our traditional liberties have been fortified with a new freedom—freedom of radio—which takes its place with our older freedoms, of religion, speech, and press.

These are days when democracy is being subjected to attack from without, and to doubt from within. Yet there is no other form of government under the sun in which the

elements which we consider the most essential and the most precious to American life are allowed to exist. In the dictatorships of the world the freedoms of religion, of speech, of the press, and of radio have been destroyed.

Regulation of Broadcasting
The creation of this American system of broadcasting, however, has not been achieved without difficulties and problems. The problems that touch the public interest are of two kinds: those relating to technical facilities, and those relating to programs. With respect to the regulation of facilities, the powers of the Commission are adequate, clearly expressed by law, and understood by broadcasters.

When we consider the technical development of radio we must remember that radio has never ceased to be a pioneer. The day may come, eventually when its pioneering work is over, but it is a day I do not expect to live to see. Whenever we seem to have learned to extract the utmost usefulness from one portion of the radio spectrum, another part of the band looms up—first in theory, then as a subject for experiment, and finally as a practical medium of public service.

If wavelengths were now available for an unlimited number of broadcasting stations, the only limitation would be that of public acceptance. The same holds true of networks. As radio science learns to employ new channels in the ether—to use waves measured in centimeters and millimeters—the day will come when there will be more wavelengths available than stations and networks to use them.

The time is coming—and it may come sooner than anyone expects—when the present-day facilities and services of radio will prove small in comparison with the unlimited technical and artistic achievements possible in this young and swiftly moving industry. Television, to name but a single example, stands today where sound broadcasting stood 18 years ago. With all that we have learned, is there any man who would say that television will not go farther in the next 18 years than sound radio has gone up to the present day?

With whatever technical controls broadcasting is clothed, they must be kept as flexible, as capable of expansion, as the industry itself. The situation is like that of a growing boy and his breeches. The breeches have got to have wide seams, so they can be let out when they get tight. Otherwise something is going to give way, and it seems to be a law of Nature that it won't be the boy. He just keeps growing.

When we turn to the realm of program service, however, we meet a broader question than is involved in the regulation of technical facilities. Here we deal with a vital force, a great servant of mankind when used properly, but, when abused, capable of destroying human rights. It is the social impact of radio which has raised the all-important question of social responsibility.

The Communications Act provides

An Annoyed Fan

Ed East conducts a local participation over WHN, New York. CN disinfectant was a recent participant and a steam electric iron now is. Last week East received the following post card from New London, Conn.: Dear Ed East:

I was one of the first to enter your World's Fair contest (remember?) and I have received no free gift, no prize, no answer, no perfume, no nothing. Now, Ed, for not keeping your promise (i.e. 'every contestant will receive free a delightful bottle of perfume') you go and wash your mouth out with CN and iron out your tongue with your new sponsor's product."

that your Commission shall have no power of censorship over radio programs, and that you shall adopt no regulation which interferes with the right of free speech. Therefore we must find within the broadcasting industry itself a solution which will adhere to American traditions, and at the same time meet this social responsibility.

Self-Regulation

The record of network broadcasting in America proves the efforts that have been made here to safeguard public interest, to advance culture, and to provide unbiased news and wholesome entertainment. In spite of its youth and the great complexity of its problems, the industry can take pride in its accomplishments in this respect.

In the National Broadcasting Company we have our own code of program policies, formulated over a period of twelve years. It is based not only on our own operating experience but also on the wisdom and advice of the Advisory Council of NBC. This council is composed of public-spirited men and women of high standing and wide experience. They represent education, religion, social welfare, music, labor and industry. The Council was formed at the time of the organization of the company, and has been in existence ever since. In following this code, the NBC has had to face objections from groups and individuals whose ideas and wishes ran counter to its standards. Living up to the code has also entailed the sacrifice of commercial revenue.

Other networks, and individual stations as well, have program codes of their own. The National Association of Broadcasters has a Code of Ethics adopted in 1935.

But the time has come for more positive action.

The fate of broadcasting in other nations and the attacks of democracy throughout the world clearly indicate the necessity for finding a democratic solution for the problems of the American system of broadcasting—a solution which on the one hand, will enable us fully to meet the social obligations of radio, and on

the other, will protect our traditional freedoms.

I would therefore like to take this opportunity to advocate to the broadcasting industry that it establish a voluntary system of self-regulation in its field of public service, and that it take the necessary steps to make that self-regulation effective.

My recommendation is that the experience of the different groups within the industry should now be combined and correlated. An industry code should emerge that advances beyond all previous standards. Such a code should be an act of voluntary self-regulation on the part of the entire broadcasting industry in the United States.

In writing this code, the industry should gather the views of broadcasters, of groups representative of public opinion, and of this Commission. After the code is formulated the public should be made thoroughly familiar with it. All broadcasting networks and stations should be invited and encouraged to adopt it. The code should be subject to periodic review by the industry, and kept up to date. It should be administered by a suitable agency representative of the entire industry.

I maintain that such self-regulation is the American answer to an American problem. In every consideration of radio broadcasting, the 'public interest' we are pledged to serve is that of the entire nation. This public interest is reflected directly by the 27,000,000 recommendations which represent an overwhelming majority of the country's homes. By their control of the nation's radio dials they give approval or disapproval to radio programs, and decide the ultimate fate of the broadcaster. Here we find legitimate censorship by public opinion.

It is the democratic way in a democratic country.

ASK MAURICE EVANS TO SUCCEED WELLES

Columbia Broadcasting is dicker-ing with Maurice Evans to replace drama-boy Orson Welles when latter goes commercial Dec. 9 for Campbell. Evans would occupy Sunday night (8 o'clock) spot being vacated by Welles who moves to 9 to 10 a.m. Friday.

Evans is current in full length (uncut) 'Hamlet.' If unsuccessful in getting Evans net will try a variety program to buck Charlie McCarthy on NBC.

Ed Heaton Dropped

Chicago, Nov. 15.

Ed Heaton, who has been with radio sales staff on Hearst stations for past four years, has followed Naylor Rogers out of the International Radio Sales picture here.

Remain on the IRS staff locally are Chris Heatherington and Dick Kopf. They will report, it is understood, direct to the New York office.

Simmons Beds Moves

Simmons Co., manufacturer of beds and bedding, has switched its advertising account from J. Walter Thompson to Young & Rubicam.

Client once sponsored Mrs. F. D. Roosevelt. New radio plans, if any, are not set.

Rogues With Riggs

Radio Rogues (Jimmy Hollywood, Eddie Bartell and Sidney Chatton), currently in 'Hellza-Poppin', at the 46th Street, N. Y., will do two guest shots on the Tommy Riggs program Dec. 3 and 10.

Idea is to test them for a regular spot on the show.

ANNOUNCING..

5000 WATTS DAY

1000 WATTS NIGHT

The First
Western Electric
5 Kw "Doherty"
Transmitter

KTUL

TULSA

5000 Day-1000 Night

WBNS

Columbus

ALL YOU
NEED IN
CENTRAL OHIO

John Bair, rep.

Nuns (Teachers) Must Tune In on Programs Of Pedagogic Instruction

Detroit, Nov. 15.
Believed to be the first of its kind, WJBK here has instituted a weekly program designed to 'teach teachers.' Idea of Charles Sterritt, station's chief announcer, half-hour broadcast is presented by Detroit Catholic archdiocesan schools under supervision of Father Deady, head of parochial instruction. More than 2,800 teaching nuns in Detroit area are required to listen to airings in their homes.

Under novel plan, Father Deady assigns four nuns to each program. They are transported to WJBK studios where each 'teaches' her specialty, spelling, history, et al, for benefit of similar instructors listening in sisters' homes.

Father Deady handles the introductions and comment, while Sterritt produces and announces the program.

Since listening on the part of nuns is compulsory, program has a ready-made steady audience of at least 2,800 teachers in the Detroit archdiocese. The teaching is not too technical, thereby enabling not only students but others to obtain free instruction through program.

WSAI Stalks Visiting Dramatic Performers

Cincinnati, Nov. 15.
Backstage interviews with stage stars playing Cincy season constitute a new weekly feature on WSAI. Airings are for 15 minutes after performances on opening nights at the legit Cox.

Other troupers receive mike attention the following afternoon in the station's studios.

WKRC's Toy Stunt

Cincinnati, Nov. 15.
Beginning Dec. 1, WKRC will originate daily broadcasts from the lobby of the Hotel Sinton appealing for contributions of toys for orphans. Station will maintain a collection booth there and in the Hotel Alms, where its studios are located.

Schultz Tops at WSTP

Charlotte, N. C., Nov. 15.
WSTP, Salisbury, which is slated to go on the air Jan. 1, will have John W. Schultz in the managerial post. James R. Yos has been named chief engineer.

Schultz has been with WSJS, Winston-Salem, WBIG, Greenboro and WAIR, Winston-Salem.

EX-SPIELER NOW RADIO ED

New Orleans, Nov. 15.
William Lastrapes was named radio editor of The Item-Tribune Thursday (10). He succeeds Gus Koorie, who has been assigned to other editorial duties on the paper.

Up to the time of his appointment Lastrapes was secretary to Clark Salmon, managing editor. Before joining staff of paper he was announcer at WSMB.

Writer Joins WKRC

Cincinnati, Nov. 15.
Mervyn Love, formerly with KMBC, Kansas City, joined WKRC Monday (14). Will handle production on local shows.

He is the author of five dramatic serials that have been aired on several midwestern stations. Two of them are to be offered on the local CBS station, starting within a month.

Radio Horrors

Washington, Nov. 15.
Situation that broadcasters dream about (when they have nightmares) last week came true at WRC-WMAL, when a loose screw in a door of the control room locked out an announcer whose program was scheduled to start in the adjoining studio.

Scratching frantically at the steel door and its huge pane of unbreakable plate glass, Announcer Dorian St. George watched the second-hand on the studio clock crawl to the moment of his broadcast. Muted struggles finally attracted the attention of Dawson Ullman, NBC control man, who was able to reach the studio by another entrance and slam on a transcription filler.

WKRC Hypo for News

Cincinnati, Nov. 15.
Going in for news programs in a big way, WKRC will add Transradio Press service to its present United Press facilities before the end of the week. Bill Schudt plan calls for assignment by Transradio of a rewrite man in the WKRC news room and two reporters in the downtown section for local news.

Cecil Carmichael, special events director, will be in charge of the news department. Charles Lutz and John Reynolds, announcers, will be exclusive on newscasting, sharing day and night periods. Sports news is to be handled by Allen Stout.

TRUCE TO FEB. 1 SET BY STATIONS, IBEW

St. Louis, Nov. 15.
Continuation of the present contract between 50 members of the IBEW, Local No. 1, employed in St. Louis radio stations until Feb. 1 when a new document will be drawn up was arranged at a luncheon meeting attended by station execs. and Harry Brady, business representative of the union at the Coronado hotel last week. It was agreed that if the new contract calls for an increase in wages it shall not be retroactive to the date of the present one which expired today.

Agreement reached last week was an anticlimax to the murder of Harry Schading, business agent of the union, who was shot to death by two men several months ago as he was leaving the union hall. Schading was killed on the same day he made arrangements to meet with station's execs, to discuss the contract a day later. Schading's slayers have not been apprehended.

Present contract calls for the payment of \$51 to student and remote control operators and \$60 to transmitter operators. Double time is paid for all overtime.

Those who attend the Coronado hotel meeting besides Brady were Clarence Cosby, KWK; Merle S. Jones, KMOX; Edgar P. Shutz, WLL; Al S. Foster, WEW; John Roberts, Jr.; KXOX, and George Burbach, KSD.

Inside Stuff—Radio

Name comic on the Coast being washed up by one of radio's biggest commercials can call it quits on the air as far as producers and admen there are concerned. A problem child from the start, he was coddled along and paid top coin for a single. On his latest stint he wore out a dozen writers and made wrecks out of a half dozen others. Mere mention of his name sends ragmen scurrying for cover. Funny man's biggest beef was that there's no one in Hollywood who can write for him. Agency producing his turn has paid as high as \$750 weekly for a scribe, with three or four others tossed in at \$100 weekly minimum, but it was still no go. Same thing happened on another air biggie which he left after a few tries. Talent buyers will hereafter give the zany a wide berth and use his name merely to frighten producers who know of his tantrums and shrink at the thought of having to work with him.

Announcement by Powell Crosley, Jr., that James D. Shouse continues as general manager of WLW and WSAI put the quietus on rumors that Shouse was about to pull away from the Cincy stations.

In making the announcement Crosley explained that activities of his stations expanded considerably during the past 12 months under Shouse's supervision. With the g.m. rating, Shouse also carries a vice-president title.

As an echo of the recent 'Martian Invasion' via radio, Sara E. Collins, actress, filed a \$60,000 damage suit in Los Angeles against the Columbia Broadcasting System, claiming her nerves were frazzled that much by the shock.

Miss Collins alleges she was terrified by the warlike tidings she heard over the radio, thinking it was a regular news broadcast.

Local competitors of a Virginia Station slated to go 50,000 watts are growling in admittedly helpless rage, because the latter has for the past two months been using the 50K designation in its rate cards when it hasn't even started the construction of its new transmitter. Other outlets are accusing the coming big-watter of engaging in unfair business practices but declare that they can't do anything about it as long as the rates themselves remain the same. One rival station talked about calling attention to the true state of affairs until its counsel point out that such action would not only be bad business policy but that the ads might be welcomed by the target station as free publicity for its power boost.



Ringling Up Tomorrow's Sales Today

● The child's play of today is the serious business of tomorrow... and KLZ has an eye to both.

For the sixth consecutive year Denver's public schools are on the air weekly over this station... during the past two years children have been the actors in a Saturday morning studio feature... every day sees a portion of

KLZ's time devoted to children and their interests.

When tomorrow's housewives are ready to buy, the voice of KLZ will be as familiar and well-heeded as it is now to their elders. Thus KLZ advertisers are doing more than selling today's buyers. They are ringing up tomorrow's sales as well.

KLZ Denver

CBS AFFILIATE 560 KILOCYCLES

AFFILIATED IN MANAGEMENT WITH WKY AND THE OKLAHOMA PUBLISHING CO. REPRESENTED BY THE KATZ AGENCY, INC.

Results

KABR

COUNT MOST

ABERDEEN SOUTH DAKOTA 1,000 WATTS

WEED & COMPANY

RADIO STATION REPRESENTATIVES

NEW YORK • CHICAGO DETROIT • SAN FRANCISCO

STATION SHOWMANSHIP

(Attention-Getters, Tie-Ups, Ideas)

Bakers' Schoolyard Stunt

Series of Schoolyard Interviews introduced by WGR. Pair of chatters assigned to visit different grade school each day and quiz pupils. Answers grooved in station's portable recording equipment, then discs are run off, same evening at 6:15. Gives interviewers a chance to listen to themselves as well as to notify parents and friends of great event.

Bond bread is the sponsor and BDO set the deal. In addition to catching unconscious kid humor, the spellers, Roger Baker and Cliff Jones, stress questions on safety in crossing streets, etc.

Broadcast of the discs at 6:15 puts baker in the unique position of seeming to be in a suburban schoolyard at 6:29 and downtown at 6:30, when he begins a live spots comment program in the WGR studios.

Positive Side of Safety

Cooperative efforts of the Massachusetts Safety Council and WCOP, are attempting to corral the cooperation of citizens in the Massachusetts Safety Council-WCOP Highway Safety Campaign. Gimmick is that instead of punishing law-breaking motorists, the station and the Council leave that to local and state law enforcement agencies. Public has been deputized to watch each other for unusually intelligent, courteous acts on Massachusetts highways by vehicle drivers. A record is made of the registration number of the car doing the good deed, the time, place and conditions.

Info is sent to WCOP immediately, or a telephone call suffices. If, after a check with the Registry of Motor Vehicles, the driver's record so warrants, a WCOP-Massachusetts Safety Council Certificate of Merit is palmed to the driver.

Award of Honor

New series of radio shows called 'Daily Award of Honor' started this week by Barney's Clothes over WOR, New York, Monday through Friday. Program is 5-minute dramatization of incident in day's news in which unusual individual is credited with performing a noteworthy deed. Winner will be selected by a special committee, with award made at studio on broadcast.

Show is being scripted by Walter Kelly, Alvin Austin Co. agents program.

College News

L. Strauss & Co. have a new series of programs on WFBR called the College Circuit. Stores' diverse consultant each week makes imaginary tour of the state colleges and universities for the latest gossip and news which is broadcast on Sundays during 15-minute period at 11:45 a.m.

Programs has guest student from one of schools each week for interview.

ringing 'Em to Town

Two Birmingham radio stations, WSGN and WAPI, are simultaneously carrying a shopping promotion, 'Birmingham on the Air' of the Birmingham News and Age-Herald. Idea is to induce people to visit Birmingham for shopping, sports, amusements, etc.

In this program, brainchild of Harry H. Hoyle, promotional editor for the two newspapers, 'Mr. and Mrs. Alabama' are taken on a

weekly imaginary visit to points of interest in the city.

Bill Terry of Station WSGN, owned by the newspapers, acts as master of ceremonies, and an editor of the News and Age-Herald, acts as guest host each week. The first week football coaches of four of Alabama's leading colleges were introduced. Visits were conducted on other weeks to theatres and other places of amusements, to factories, to night clubs, to the churches and elsewhere.

For the last two or three years we have been running page spreads in the newspapers from time to time featuring Birmingham as the metropolis and traffic capital of Birmingham. Hoyle. The radio program is directed toward the same end, that is, bringing more out-of-town people to the city with the expectation naturally that they will patronize our advertisers while here. This is the first time we have used the radio to supplement our promotion.

Loan Company's Angles

Railroad Men's Building & Loan association of Indianapolis, using a five-minute daily strip entitled 'Town Crier' to announce religious, civic and fraternal news for such organization sending in material.

Included each day is description of real estate on classified columns of local papers without location given. First listener to determine location is awarded prize.

'Dollar Day'

WFBR Morning Sundial program conducted by Al Dary has daily gag which has drawn big response. Each day a different item—best poem, pet peeve, most embarrassing moment, most interesting fact, cutest kiddy saying, a personal discussion of anything—is read on the air.

Winner in each contest receives check for dollar by mail. Gag is tagged, 'Every day is dollar day on the Sundial.'

Church Provides 'Show'

McCarthy Furniture Co. (of Fortville) has good luck with series on WFBR of Sunday morning half hour. Time is donated to a different church in central Indiana each Sunday. Program consists of message from pastor and music by church choirs or singers.

Some 40 churches of different denominations have participated to date.

Light Touch for Kids

Figuring kids won't listen to talks and won't put on air for benefit of youth, University of Saskatchewan and Saskatchewan Youth Council have started new series weekly over CFQC, Saskatoon, with plays, humor, entertainment and music upswing.

Educational stuff is dubbed in by chatty announcer.

'What Became of' Show

Several weeks ago during a luncheon conversation between Ray Dady, station manager, and Jack Henderson, a salesman, the question of 'What Became of So-and-So' gave birth to a program that Henderson sold to the St. Louis Bachelor Laundry three hours later.

Program is predicated on the whereabouts, etc., of those who formerly were in the newspaper headlines a few years ago but are heard of no more. Dady is in charge of a research dept. that digs up the info desired by dialers. The program, 15 mins., runs from Mon. to Fri. and will continue for 52 weeks.

Saga of a Stupid Dolt

Harry Penman, agency for Anderson Buick, has picked a line 'he bought before he looked at a Buick' and has a number of one-minute dramatized spots with local talent which will be used over KOMO 45 times a month.

Script was written by Pete Lyman, who has built up in cartoon style for the sock line.

WLW-WSAI Stunting

Cincinnati, Nov. 15.

A 30-minute program originating on WLW at the first annual Kentucky Tobacco Carnival in Lexington, Nov. 10, was carried by the Mutual network and WLAP, Lexington. Broadcast included crowning by Gov. A. B. Chandler of the tobacco queen, selected from entrants representing 14 Blue Grass state colleges; music by Red Norvo's band, with Mildred Bailey on the vocals, and a novelty in the form of a chorus of tobacco auctioneers in their trade chant.

Same day Joseph Ries, educational director of Crosley's stations, took his mike into a Pennsylvania coal mine for a special wheels go round broadcast in WLW's Nation's School of the Air weekly series. This program is available to the Mutual network, Don Lee and Colonial networks.

WLW's little brother, WSAI, inaugurated its first annual 'Just Around the Corner' program Monday (14) in a weekly series to promote clothing and toys for underprivileged children. Dewey H. Long, station manager, linked the Cuvier Press Club and a special mayor's committee.

Monopoly Probe

(Continued from page 26)

under which WPTF reluctantly gave an option on the station, Taylor said in his letter:

The interest in this federation in the above-described situation arises from its opposition to monopoly and concern for the perpetuation of independent small enterprise. The situation is typical. Here a small, locally-owned and operated radio station is rendering the best service of which

Jurisdiction

Washington, Nov. 15.

Whether alleged patent and copyright monopolies will be scrutinized by the FCC or the Congressional-Departmental committee studying anti-trust problems is conjectural at moment. Two groups have been unable to decide where inquiry into the subject should take place.

Opening of the broad monopoly investigation by the Temporary National Economic Committee, composed of legislators and representatives of several executive agencies, was scheduled for early next month. Chairman Joseph O'Mahoney, Democratic Senator from Wyoming, conferred Monday (14) with President Roosevelt about his activities but declined to say what subject will be tackled first when public sessions begin, soon after Thanksgiving.

Uncertainty about procedure in airing the copyright and patent situation was revealed at the first FCC probe session during examination of NBC with President Roosevelt about his activities but declined to say what subject will be tackled first when public sessions begin, soon after Thanksgiving.

For several weeks, members of the Connish staff have been cooperating with the helpers of the Congressional-Departmental committee on patent and copyright questions, while a crew of white-collar workers has been digging into archives of the Patent Office.

It is capable within a restricted time limit.

In order to increase operation hours and improve its service (although the evidence is that there was in fact no interference), it must gain the permission of a chain-operated radio station 3,000 miles away on the Pacific Coast. Before this permission is granted, however, the owner of the chain exacts an option to buy, which it now seeks to exercise.

This is graphically illustrated the position of almost hopeless disadvantage under which the small independent must attempt to do business. From New York to San Francisco—to Raleigh—a great quasi-monopoly spreads its tentacles, with an agency of the United States government apparently countenancing, if not aiding and abetting, the process whereby this independent small operator is being progressively squeezed out of the picture.

Radio Daffodils

Philadelphia—New and, so far, highly successful method of getting additional biz has just been evolved by WDAS. Outlet has discovered that by assigning Lou Palens, one of its salesmen, to assist on the daily street broadcast from in front of the studio, he's able to sell a load of time. Jerry Stone, gabber on the show, picks out vixen poppers who look like successful businessmen, then asks them questions concerning their biz. Palens gets an earful and if they seem like possible time-users, he collars them as they leave the mike.

Miami—Dinty Dennis, WQAM sportscaster, picked up his morning milk. There was a note inclosed from the anonymous delivery man reading: 'Broadcast of the Drake game was nice work—your milkman.'

Milwaukee—Broadcast from horseback is staged by Bob Heiss, WTMJ's special events man. Mounted on white nag, Heiss describes his reactions by means of short wave in cooperation with the Blue Mound Riding Academy.

Macon, Ga.—WMAZ had to unravel the following lost item as turned in for broadcast: George Spelvin, 40 years of age, weight 160 pounds, missing from home three days. Was wearing red tie and red underwear; green eyes, bald with red hair around the edges, wearing black and white shoes that had been dyed black; blue serge suit, shiny in the seat of pants; blue checked shirt.

New York City—Rendered self-conscious by the reaction to the invasion-from-Mars incident, Jules Seebach went through WOR's program schedule and discovered that the theme song for 'Bachelor Born' these past months has been 'Ah, Sweet Mystery of Life.'

Seattle—Department store on KIRO carries a series of spots, each opening with theme music 'Home Sweet Home.' Recently an estranged couple met within hearing of store's radio to discuss terms of their contemplated divorce, heard the spiel and were thereby moved to reconciliation. Story is vouched for by the press agent.

Indianapolis—Rainbow Rangers, a 'cowboy' singing trio, signed first radio contract with WIBC, Indianapolis, then went horseback riding and two of the trio caught cold and have not been on the air yet.

St. Louis—A copy of the script of 'Jefferson Barracks,' the first of a new series of 'The Land We Live In,' a weekly program produced in the studios of KMOX, was sealed in the cornerstone of a new building erected at the barracks, the home of the Sixth Infantry.

Milwaukee—Sears-Roeback advertised in newspapers for an eyewitness to the attempted assassination of the late Theodore Roosevelt by John Schrank in Milwaukee during the Bull Moose campaign of 1912. Ads, headed 'Wanted,' invite those who saw the would-be assassin fire shots to get in touch with George Comte, author and narrator of program at WTMJ.

DUCKED POLITICAL STIGMA

Sheriff Resumes on His Radio Series With Campaign Over

New Haven, Nov. 15.

J. Edward Slavin, re-elected local sheriff of New Haven county, stayed away from WICG broadcasts of 'The First Offender,' juve. correctional drama series he put on air, during campaign because of desire to keep political connection from show.

Now returned to office, Sheriff Slavin's back as narrator of the program, which is fed to Colonial net.

ELLIOTT ROOSEVELT'S 1ST TEXAS BOOKLET

Fort Worth, Nov. 15.

Texas State Network, newly born regional 23-station web with Elliott Roosevelt as prexy, is mailing a 34-page brochure to 500 agencies, station reps and time buyers. Initial effort, a x 10 convenient file size, bears the title: 'A New Way to Cover Texas.'

Tracy-Locke-Dawson, Dallas, assisted in the presentation, with Roosevelt a main spring in initial planning.

George Allen, formerly of the Thompson-Koch company in Cincinnati and of the J. Walter Thompson agency in St. Louis, has joined the Benton & Bowles-Chicago outfit.

NIX BOOTH ON STREET; SPOILS WKRC PLAN

Cincinnati, Nov. 15.

Refusal by the city manager for erection of a booth on the sidewalk adjoining the Hotel Sinton for collection of toys for poor kiddies caused William Schudt, Jr., manager of WKRC, to cancel the station's proposal to operate the booth and blurb the campaign on the air. Official objection was made because of obstruction to Christmas traffic.

Schudt is cooperating with the city's charitable divisions by devoting announcements on WKRC's 'For Your Pleasure' musical sustainer on Friday nights to appeals for donations of toys at fire departments.

WIBC's Commercial Start

Indianapolis, Nov. 15.

WIBC, newcasters here, sold 15 spot contracts last week to raise its total to 20 advertisers.

Ice-breaker was Leonard cleaners.

WBAL
means business
in Baltimore



HARRY SOSNIK...

MUSICAL DIRECTOR

CHARLES BOYER—WOODBURY PLAYHOUSE

(ORIGINAL SCORE)

Sundays—9 P.M. EST—NBC

JOE E. BROWN—POST TOASTIES

Saturdays—7:30 P.M. EST—CBS

MANAGEMENT MCA



Now—Rivoli, Toledo, Ohio
Week November 18th, Regal, Chicago

"Well, hush my mouth—
If it ain't Francis Craig, from the South!"

FRANCIS CRAIG

AND HIS ORCHESTRA

—DIXIE RHYTHM—

WEAF and NBC Red Network—Each Saturday

HERMITAGE HOTEL, NASHVILLE

"My favorite Southern band"—Niek Kenny, Daily Mirror

NBC VS. LOCAL SPONSOR

Daytime Program Similarity

(As Per WGY, Schenectady, Oct. 24, 1938)

Time	Nature	Title	Auspices
6:45	Live Talent	Martha Lawrence, Songs	Sustaining
6:59	Blurb	'Radio Billboard'	WGY Artists Bureau
7:00	Blurb	Weather Report	Pinex
7:01	Library	'Church in the Wildwood'	Sustaining
7:15	Library	Musical Clock	Beaumont Labs
7:30	Talk	News Flashes	Esso
7:35	Library	Participating	Stein Clothes, Intl. Harvester Trucks, Myers Bros. Pumps
7:45	Library	'Checkerboard Time'	Ralston Chicken Feed
8:00	Library	'Good News Program'	Breslaw Furniture
8:30	Talk	Time Signals	Westfield Watches
8:31	Library	Participating	Grove, Salses, Penick & Ford Cocomalt
8:45	Dramatic Serial	'Jane Arden'	Ward Bread
9:00	Dramatic Serial	'Myrt and Marge'	Colgate
9:15	Dramatic Serial	'Hilltop House'	Colgate
9:30	Library	Participating	Kellogg, Knox, Graft, Fowlers, Penick & Ford
9:40	Talk	Press-Radio News	Sustaining
9:45	Library	Participating	Dr. Rudolph, Grove, Rumford, Nys Milk, Rit
9:55	Talk	'Women's Newspaper'	Schaffer
10:00	Dramatic Serial	'Mrs. Wiggs'	Boyle
10:15	Dramatic Serial	'John's Other Wife'	'Affiliated'
10:30	Dramatic Serial	'Just Plain Bill'	Kolynos
10:45	Dramatic Serial	'Women in White'	Pillsbury
11:00	Dramatic Serial	'David Harum'	Rabbit
11:15	Dramatic Serial	'Lorenzo Jones'	Phillips
11:30	Dramatic Serial	'Young Widow Brown'	Phillips
11:45	Dramatic Serial	'The Road of Life'	Crisco

'MUSICAL CLOCK' OR HIGHER RATES

Breslaw Chain in Schenectady Wants to Duck 'Stale' and Much-Duplicated Formula but Network Frowns

POLICY

Request of the Breslaw Furniture chain for permission to substitute (experimentally) a live talent audience program for its morning musical clock program has been denied by WGY, Schenectady, acting on orders from NBC in New York. This matter has precipitated a provocative matter involving the question of local program showmanship versus rigid adherence to home office policy. Matter appears to have involved these steps:

(1) WGY's early morning schedule was characterized as notable for deadliness and the Breslaw company expressed wish to find a snappier form of entertainment than 'musical clock'

(2) NBC answered that Breslaw enjoyed a special musical clock early morning rate and could not go outside the transcribed music and announcement program formula without paying the higher daytime rate.

(3) Breslaw countered that the early morning rate was no special favor or concession but the trade evaluation of commercial time at that hour of the day. Did NBC deliberately wish to freeze program content to a type of 'filler' commonly rated in the trade as the least showmanly form of radio program?

(4) NBC repeated: Breslaw would have to pay the higher rate to earn the privilege of changing from a musical clock to live talent program (it was a quiz idea).

(5) Breslaw claimed that its additional investment in production expense under suggested plan would amount to several hundred dollars a week and that a time increase on top of this made the proposition unattractive.

Theories Don't Count

Matter has apparently been put on ice. NBC won't budge. All feints of indifference to the showmanship quality of the morning programs are ignored. Charge made by sponsor that transcribed library music offered by WGY is duplicated in all other musical clocks and that the whole set-up is tepid and unprogressive has not produced any known impression on NBC.

In an adjoining column VARIETY appends WGY program log for what bearing it may have. Breslaw firm has been on WGY for years.

NORMAN PROUTY JOINS JOE MCGILLVRA ORG.

Robert R. Sommerville has quit Joseph H. McGillvra's New York office to join Radio Sales, Inc., CBS subsid, while Norman Prouty joined the former organization as sales manager.

Sommerville replaces Steve Fuld, who was moved over to CBS stations relations. Prouty worked for McGillvra back in 1935. In the meantime he has been with Katz and the Transamerican Broadcasting & Television Corp.

WGAR's Political Tap

Cleveland, Nov. 15.

Four Cleveland stations grossed \$30,000 from election campaigns, with WGAR earning the largest slice from 'backers of John W. Bricker, Ohio's new governor.

Campaigners spent \$8,000 for WHK time, contributed \$4,000 to WCLE's coffers, \$3,100 to WTAM's, but WGAR topped them with \$15,000 that came out of politicians' pocket.

Women-in-the-Club Quiz Shows Catch On in Chicago; Better Than Hackneyed Man-on-Street

Chicago, Nov. 15.

With man-on-the-street programs and quiz programs having reached the point of diminishing returns on let's-go-home, there's now a new twist: the woman-in-the-clubroom, or ain't-we-got-fun.

Starting innocuously and innocently enough in this town a couple of months ago, it is now the terror of the transmitters, with the afternoons devoted to hours of just too charming announcers cajoling Mrs. Effie Giotz not to be nervous but to speak right up and tell the folks whether she uses curlers at night. Everybody laughs and everything is just too ducky.

Advertisers have found the interviews of clubwomen right in the meeting halls carries plenty of potential sales sock, getting the femmes cornered in a mellow mood and then pounding them right on the personal vanity. It seems that all women, and

especially afternoon bridge players, sewing circle fanatics, literary dilettantes and flower-growers, all have unshaken convictions that they have the perfect radio tinsel if they only got an opportunity to sling a few syllables into a mike. And the advertisers and stations are not doing anything to disillusion 'em.

Leaders All Articulate

In making contacts for the woman-in-the-clubroom interviews they invariably run up against a few leaders who mention the fact that they have a few ideas they would like to expound to all people who will be lucky enough to be tuned in on the station at that time.

Letting the clubwomen gather 'round the mike has proven a strong sales angle by bringing the purchasers of the nation right into the advertiser's show and thus forcing consciousness of the product on the femme in person.

In instances where the femme meetings are held at a time inconvenient for live broadcasting, the stations are driving up in the sound trucks and making recordings of the interviews which are then plattered on the air at the regular sponsored period.

In this vicinity the femmes-in-the-clubroom programs have about eliminated all other types of public-participation sessions off the air, since the femme-indoor angle presents so many advantages over any other commercial interview twist.

Stations are particularly fond of the idea since it is building up a friendship with the femme element which has been found the most likely to bounce up with an occasional yelp against radio programming and operation. And the man-in-the-street interviewers are not on the new set-up since it is bringing 'em in off the air-conditioned streets new that winter is coming on.

KWK DEVISES NEW SURVEY METHOD

St. Louis, Nov. 15.

Something different in coverage valuation methods has been developed by KWK in its 'latest survey, analyzed in a promotion piece, 'The St. Louis Zone of Radio Influence.' Project totals all St. Louis station listeners and groups all towns around St. Louis into three concentric areas.

In the first area an average of 95 to 85% of the set owners it was found habitually listened to St. Louis stations. In the second area it was 61% and in the third area, 27%. Anything below this percentage was considered as being outside the sphere of St. Louis station influence, as greater audience intensity could be obtained through the use of non-St. Louis stations.

KWK explains in the booklet that it undertook the novel approach to coverage evaluation because of what it deemed to be fallacies in previous methods. R. L. Polk & Co. did the survey for KWK.

'Hermit's Cave' on WKR

Cincinnati, Nov. 15.

Klock Ryder's 'Hermit's Cave' spook show, on WJR, Detroit, for the past seven years, started as a weekly feature on WKRC Sunday (6).

Sponsored by Carter Coal.

Jack Runyon whipping up a new show for Union Oil in Hollywood.

ROY ELDRIDGE

And His Orchestra

FAMOUS DOOR
NEW YORK

LIMITED
ENGAGEMENT
2 WEEKS
Nov. 13 to Nov. 27

Management
JOE GLASER, Inc.

RKO Bldg., Radio City, New York

MUZAK'S RATE CARD AND RULES

Advertising rate card listing the programs available for sponsorship on the new Muzak Sponsored Program Service is to be issued this week. Some 16 hours of commercial programs riding the wired entertainment service is split into four groups, luncheon, cocktail, dinner, and supper periods. Service is strictly local in New York.

Basic contract calls for commercial announcements in each of the four periods for each advertiser. Minimum is \$15 a day for one blurb in each period or four per day, \$27

THE

Smoothies

BABE - CHARLIE - LITTLE

TUMS VOCAL VARIETIES

WLW and NBC Red
Tues.-Thurs., 7:15 P.M. EST

AVALON CIGARETTES

WLW and NBC Red
Saturday, 7 to 7:30 P.M. EST
EVERY OTHER WEEK

IN
BALTIMORE
IT'S

WFBZ

NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

BUDDY CLARK

OPENS TODAY
November 16
PARAMOUNT, NEW YORK
(Two Weeks)

Featured LUCKY STRIKE "HIT PARADE"

Buddy Clark's Sunday Supplement, CBS, 5-5:30 P.M.

COLLEGE RHYTHM

The second of a series of articles on collegiate likes and dislikes as regards modern dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

SOUTHERN CALIFORNIA

By Bud Colegrove, '39
(U. S. C. 'Wampus')

That Trojan Warhorse eats swing with its wild oats and hey-hey, but wouldn't dance to it for a flock of Rose Bowl birds.

Los Angeles may be the seat of \$30-a-week Thursday, recall elections, and American Legion conventions, but at the University of Southern California, as called by VARIETY, is like a jitterbug as like calling any westerner a tenderfoot sans smiling. We'll listen to swing—and like it—but we won't prance to it.

For example: witness some of our more successful playgrounds, i.e., the Trocadero (or, as someone put it, 'more intimately called the Troc by people who never go there'), the Biltmore Bowl, the Victor Hugo, the Cocoanut Grove, the Town House and the Palomar. At the Biltmore, Jimmy Grier's standard arrangements packed in the Trojans like salmon at Bonneville Dam. Now Jimmy was never a savant of swing, but his melodies were smooth and danceable. The Bowl now features Shep (Gurgle) Fields, another smoothie, hence we students are always bumping elbows at the Biltmore.

Skinny Ennis was a favorite at the Victor Hugo, fashionable night spot in Beverly Hills, and Friday nights found our students hanging from the chandeliers. Since Griff Williams has attempted to swing into popularity after replacing Ennis, Troj's boys have all run down to the Cocoanut Grove, where Wayne King's novelty music keeps the ants out of dancing.

The Town House, with its Zebra Room, is a horse of another color. Here the Four Playboys—Bennie, Meeny, Myny and Moe—dish out screwy swing in a pleasing style, and we enjoy it. Why? Because the place is small and intimate, with scanty accommodations for dancing. We just sit and listen, in between Scotch-and-soda confidences.

The Palomar, advertised as the world's largest ballroom, lures its share of university trade when it features a good fox-trotting combination, or even an excellent swing band, such as Benny Goodman has. But the reason for attendance at top swingeroo performances is simply the students' recognition of outstanding quality. On such occasions, time is passed sitting at a table, and the only young folks out rug-cutting are the ever-present high school students out on emotional jags.

Most of the Trojan dances are held off campus, and are seldom, if ever, entertained by swing bands. A review of the aggregations which played at S.C. get-togethers last year includes the names of Skinny Ennis, Nick Stuart, Hal Kemp, Phil Harris, Paul Pendarvis and others, who certainly will never make Mr. Whiteman's All-American Swing Team. Probably the most popular was Kemp, who played at the Homecoming Dance, or 'dig', as we call them.

Like to Listen

Record release sales show a slight lead for the swing arrangements, which serves to fortify the theory that Southern Californians really like to listen to swing. Most of the fraternity houses carry such lively discs as 'Old Man Mose,' 'My Bonnie' (Ella Logan on the vocal), 'A Tisket, A Tasket,' and old favorites such as 'Jamboree Jones,' Dorsey's 'Marie,' and Goodman's 'Sing, Sing, Sing.' Prevalent popular recording is Artie Shaw's 'Indian Love Call.' The evenings find Fraternity Row listening to the hot strains flowing out from the phonograph as the boys sit around and throw the bull. But at the popular 'record dances' these crimson record arrangements are always left on the shelf.

Nor do the Trojans go for fancy steps. At a recent 'dig,' played for by a local orchestra, the attendees absolutely refused to join in the Big Apple, which was apathetically danced to by a handful of the affair's committee members. The Lambeth Walk broke into life, but it might well have stayed in London for all the ripples it made on S.C.'s social pond. Nobody's even seen a demonstration of truckin' out here, and we don't know a Sussy-Q from a Franklin-D.

The University of Southern California is only two traffic cops and 58 boulevard stops from Hollywood, but its students don't want any part of college life a la cop pictures. They don't want two-step down University avenue, or carry their gridiron heroes off the victory field to the strains of 'College Rhythm.' Many of them get enough of that sort of tripe working as extras in fantastic cinema versions of collegiana. The writer has yet to see a painted-up model-T Ford on campus.

The most poorly-attended rally held in the past four years was one at which Louis Prima's hot combo played. The students just didn't want to directly connect their university with jived music. When the Trojan band attempted to swing a few numbers at the start of this year's football season, a storm of protest cut this type of performance to a minimum.

To band leaders expecting to visit this locale soon—with the exception of Goodman, Ellington, Dorsey and that small group of maestros at the top of the ladder—we offer this advice:

We'll go for you like ducks to water,
If you'll play music like our order.
(Next week: Vanderbilt)

Whiteman's Lah-De-Dahs

Paul Whiteman orch will follow its Christmas Day Carnegie Hall, N. Y., concert with repeats in Boston, Philadelphia and Providence. Boston's Symphony Hall, Philly's Academy of Music, and the Met in Prov., will house the concert.

In all probability, Artie Shaw, Louis Armstrong and Raymond Scott's quintet, who are scheduled to break into concert with Whiteman at Carnegie Hall, will also be listed on the followups.

PLUGS SHOULD BE APPRAISED, SEZ ADDY

Mickey Addy, of Harms' professional staff, has developed what he calls the 'merit plan' and which he would like to have adopted by VARIETY in compiling its weekly list of network plugs. Signing himself 'acting chairman of the Committee for Betterment of Music Conditions,' Addy last week distributed mimeographed copies of his plan among publishers with the request that they sign it and mail it to VARIETY.

Addy believes that each type of plug on the air should be proportionately rewarded. He thinks that a commercial program has twice or more listeners than a sustainer and that a vocal has at least twice the value of an instrumental performance. Starting from these premises Addy argues that a sustainer's instrumental be counted one point, a sustaining vocal, two points, a commercial instrumental, three points, and a commercial vocal, four points.

Addy's letter fails to tell who is going to furnish the adding machines and the required staff of statisticians.

Archie Fletcher Assumes Some Troubles Along With Morris Music Co.

Couple court actions were thrust upon Archie Fletcher immediately he became sole owner of the Joe Morris Music Co. last week. One suit had to do with 'Melancholy Baby,' while the other concerned a brokerage commission claim. In the latter case Jacob Handelbaum contends through the City Court that he helped Joe Morris negotiate with Paramount Pictures for the purchase of the Morris catalog and that even though the deal collapsed \$2,500 is due him. Morris was still haggling with Paramount over the terms of the contract when he decided to sell to his general manager and partner, Fletcher.

Suit over 'Melancholy' was filed in the N. Y. supreme court by Maybelle Watson Bergmann and named the Morris Music Co. and Ernie Burnett as defendants. Mrs. Bergmann claims that she wrote the words and music with Burnett while she was his wife in October, 1911, and that the work was eventually published under the title of 'My Melancholy Baby.' She now wants Morris enjoined from further infringing on her work, \$10,000 reimbursed her as her share of the royalties collected by Burnett and also a reasonable return for all other uses made of the song.

Fletcher's Answer

Fletcher claims that the work was originally turned in by Burnett and the original publisher, Theorion Bennett, was never published. The late George Norton wrote an entirely new set of lyrics and titled it 'My Melancholy Baby.' Burnett states his ex-wife had nothing to do with the writing of the number. He had merely put her name on the copyright registry card and the title sheet.

Morris has filed for the renewal rights of 'My Melancholy Baby,' while Shapiro, Bernstein & Co. has registered a renewal assignment from Burnett under the title, 'Melancholy.' Mrs. Bergmann's suit is the first that she has brought in connection with the tune. 'Melancholy Baby' has had three major longsheet sale revivals and rates high in importance among radio usages.

Harry Link's Candid Letter To Russ Morgan Draws Rejoinder, But He Gets His Plug Pronto

Music publishing trade was treated to a sample of straight-from-the-shoulder letterwriting last week when Russ Morgan mailed out copies of a billet doux that he had received from Harry Link, professional manager for Irving Berlin, Inc. Attached to each of these copies was a softly worded rebuke from the bandleader. Morgan refrained from impeaching Link's statements and implied philosophy about the reciprocity motive in the relationship between bandman and songplugger but said that he thought it was written in poor taste. Exchange on what constitutes good manners didn't cause much of a ripple in Tin Pan Alley because the day after Morgan issued the two letters to sundry publishers he took care of Link with a network plug for one of his current tunes. Morgan's letter to the trade was as follows:

'Enclosed please find a copy of a letter from Harry Link of Irving Berlin Music Company.

'However true his statements may be, I think it is written in poor taste. My only purpose in sending it to you is to give you my side of the business and show you that this is not the way to contact an orchestra leader.'

Russ Morgan

Quoting Mr. Link

Following is a copy of Link's letter:

Mr. Russ Morgan, Paradise Restaurant, New York City. Dear Russ:

I regret that I won't be able to be over Sunday night to your special night for Kay Kyser. I certainly would like to be there to pay my respects to Kay.

However, as far as the Paradise is concerned, I don't know of any reason why I should go there because in checking up the list of plugs I have gotten, copy of which I am enclosing, there certainly isn't very much of a reason to spend Irving Berlin, Inc. money to come over to lend support to a leader and cafe that certainly doesn't give one of the best catalogs in the music business a better break than the plugs on the attached card.

On top of that, I had a party of seven at the cafe last Sunday night and I put myself in a spot with all the other leaders in town who hold special night. All week long all I've heard is 'you had a party of seven at Russ Morgan's, why don't you have that many at my place?'

Now that I think of it, I wasn't even extended the courtesy of having you come over to my table to say hello. Which I don't think is very nice. On top of this it was nice, I think, to extend to Nick Blain the non-exclusive right to produce 'Alexander's Ragtime Band' for his finale of the show which I didn't think would be produced as it is. And I still kept quiet about it to both Irving (Berlin) and Saul (Bernstein) thinking I was doing a good turn for you. You know enough about the

music business, Russ, to see this point of view, and I am just wondering what you would do if you were the publisher and I was the orchestra leader and you were in that spot. Best wishes.

Very truly yours,

Harry Link,
Prof. Mgr.

MPPA BOARD TACKLES WAGE DEMAND

Directors of the Music Publishers Protective Association will meet this afternoon (Wednesday) to discuss the new wage scale demands submitted by the New York musicians union for arrangers, copyists and proofreaders. Also the latest developments in the negotiations with the Songwriters Protective Association for a new standard contract and the status of the MPPA's effort to work out with phonograph record manufacturers a revised licensing covering discs used in coin-operated machines.

Present indications are that the record manufacturers will not cooperate in solving the coin-machine angle and that the publishers will have to resort to a test suit if they intend to carry through their plans to collect a special fee for disks used for that purpose.

John Abbott Patches Truce on Representation Deal Merger Voided

Before sailing home for London, John Abbott, general manager of Francis, Day & Hunter, last week worked out a settlement of his firm's differences with Bregman, Vocco & Conn, Inc., over an agency contract which the latter inherited when it took over the business of Donaldson, Douglas & Gumble. Settlement terms are now being reduced to writing by Julian T. Abeles and Francis Gilbert, counsel for D, D & H and B, V & C, respectively.

London plug claimed that since there was a huge advance due on the Donaldson deal, BVC had no right to grant the rights to its own catalog to any other British firm. BVC took the stand that it was not bound by the Donaldson obligation, and it is understood, that the compromise agreement involves both a reversal of this contention and a substantial shaving off of the advance outstanding.

ARTHUR PRYOR PUT UP AS ROSENBERG RIVAL

Arthur Pryor, 63-year-old bandmaster, has been persuaded to head the opposition ticket in the Dec. 11 elections at the New York musicians union. Pryor will run for the presidency, now held by Jacob Rosenberg.

Another bandmaster, Frank Colananto, will compete with William Feinberg, incumbent, for the post of vice-president. Proponents of the anti-administration ticket call themselves the Committee for Better Unionism.

Hirschberg Memorialized

Philadelphia, Nov. 15. Monument to Adolph Hirschberg, for many years prez of the Musicians' Local here, was dedicated Sunday by the A. F. of L. Central Labor Union. Hirschberg served as chief of the Central body for 17 years. Exercises were held at Har Nebo Cemetery, with Rabbi William H. Fineshriber officiating.

Frank Burke Quits

Frankie Burke, national publicist for Consolidated Radio Artists, tendered his resignation this week. Becomes effective Dec. 1. He was formerly with Music Corp. of America. Cress Courtney, broker in CRA's Chicago office, also dropped out this week.

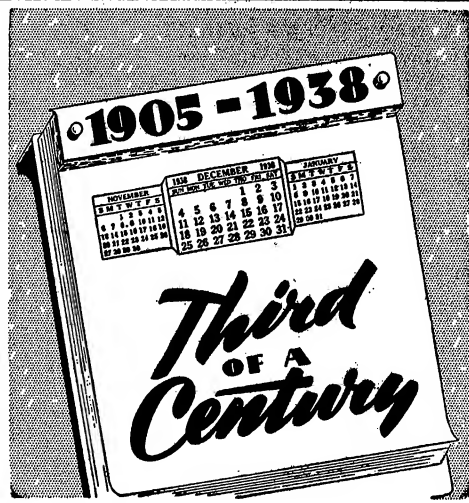
Halstead May Retire

Lincoln, Nov. 15.

Henry Halstead, name band leader for more than 15 years, intimated here he will soon drop music and go into the real estate biz in Los Angeles with his father. Halstead is at present in the mid-west being routed by Frederick Bros. office in Kansas City.

Will be 41 next month.

Bregman-Vocco-Conn have acquired 'You're So Desirable' and 'Had to Do It.' First is by Ray Noble and Fats Waller turned in the second.



ASCAP Wins Skirmish in Washington State; Case to U. S. Supreme Court

American Society of Composers, Authors and Publishers scored a decisive point in the litigation that it has been conducting against the State of Washington when the state's supreme court last week rejected a plea that the Society's appeal be dismissed on technical grounds. ASCAP wants the state's officials stopped from continuing to enforce a statute which outlawed it from doing business in Washington.

State's attorney general told the court that John Schweppe, who represented the broadcasting interests in local court fights against ASCAP, had no authority to represent the attorney general's office in any of the previous litigation and on that score anything that has happened should be declared void. Case now

goes to the U. S. supreme court for adjudication.

ASCAP Attorney Loses

Lincoln, Nov. 15. Election (8) toppled Nebraska's attorney-general, Richard C. Hunter, the man who brought action against bank night and fought screen giveaways to a finish, outlawing them through the supreme court in Nebraska. He also has a fight against ASCAP before a three-judge federal court here, testing whether or not the anti-ASCAP bill passed by the last legislature is constitutional. Hunter is fighting to get the bill, which outlaws any music combo, to stand as drawn by the 1937 unicameral legislature.

Hunter's opponent, Ray Johnson, was backed by the A. H. Blank interests who soured on Hunter because of his banko opposition (they own in this territory), and Gene Blazer, ASCAP's Nebraskan rep. Blank's Tri-States theatres are in Nebraska.

Band Review

JAN FREDERICS (8)
Boulevard Tavern
Elmhurst, N. Y.

This aggregation has had an uninterrupted run of a year at this niter and is booked to remain here until April, 1939. All of the boys double on at least one instrument and some pleasing combos result.

Play two shows nightly in addition to their regular dance sets. Each show runs more than an hour, and they handle the music with ease. Several times a night the boys jam it, but mostly the tunes are served legit and a surprisingly large number of standards in fox-trot tempo are in the books.

Federics, a personable maestro, is building a following. He plays every instrument in the band and during each evening gets in a chorus on the piano, drums, saxes, clarinet, bass fiddle, trumpet and trombone.

King Cole and his Sepia Swingers replaced Kay St. Germain & Co. at Jim Otto's in L.A.

S. O. S. WANTED

New, Bright Rhythm Songs

FROM
Tin Pan Alley
How About It??

AL GOODMAN

LUCKY STRIKE HIT PARADE

Saturday Nights

CBS Network • 10 P.M. EST

SONGS FROM ROBBINS

From the New Universal Picture, "That Certain Age"

MY OWN
YOU'RE AS PRETTY AS A PICTURE

By Harold Adamson and Jimmy McHugh

A Smash Hit!

MY REVERIE

By Larry Clinton

The Newest Ballad Song Smash!

AFTER LOOKING AT YOU

By Al Hoffman, Al Goodhart and Manny Kurtz

From the 20th Century-Fox Picture, "Just Around The Corner"

THIS IS A HAPPY LITTLE DITTY

By Walter Bullock and Harold Spina

The Year's Greatest Novelty Hit!

WHERE HAS MY LITTLE DOG GONE?

By Al Feldman

ROBBINS MUSIC CORPORATION

799 SEVENTH AVENUE • NEW YORK

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computers for the week from Monday through Sunday (Nov. 7-13). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, † legit tune, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
My Reverie.....	Robbins	Pop	55
Day After Day.....	Green Bros.-Knight	Pop	39
All Ashore.....	Shapiro	Pop	37
Change Partners.....	Berlin	*Carefree	37
Summer Souvenirs.....	Bregman-Vocco-Conn	Pop	32
My Own.....	Robbins	*That Certain Age	31
Heart and Soul.....	Famous	*A Song Is Born	31
Deep in a Dream.....	Harms	Pop	30
Simple and Sweet.....	Miller	Pop	29
I've Got a Pocketful of Dreams.....	Santley-Joy	*Sing You Sinners	29
While a Cigarette Was Burning.....	AHC	Pop	25
Who Blew Out the Flame?.....	Feist	Pop	25
What Have You Got That Gets Me?.....	Famous	Pop	24
I Won't Tell a Soul.....	Crawford	Pop	24
Sixty Seconds Got Together.....	Santley-Joy	Pop	23
Lambeth Walk.....	Mills	Pop	23
Two Sleepy People.....	Lincoln	*Thanks for the Memory	23
So Help Me.....	Remick	Pop	21
Stop Beating Around the Mulberry Bush.....	Bregman-Vocco-Conn	Pop	21
Ya Got Me.....	Lincoln	*U. of Penn. Mask and Wig	21
You Must Have Been a Beautiful Baby.....	Remick	*Hard to Get	21
When I Go to Dreamland.....	Lincoln	*U. of Penn. Mask and Wig	20
They Say.....	Witmark	Pop	19
Girl Friend of the Whirling Dervish.....	Harms	*Garden of the Moon	19
Is That the Way to Treat a Sweetheart.....	Olman	Pop	18
I Survive You Right.....	Tenney	Pop	17
Hurry Home.....	Stier	Pop	15
Night Before Christmas.....	Chappell	Pop	15
April in My Heart.....	Paramount	*Say It in French	15
At Long Last Love.....	Chappell	*You Never Know	14
You Look Good to Me.....	Bregman-Vocco-Conn	*Sing Out the News	14
F.D.R. Jones.....	Chappell	Pop	14
What Goes on Here?.....	Paramount	*Give Me a Sailor	13
What Do You Know About Love?.....	Marks	Pop	13
Have You Forgotten So Soon.....	Berlin	*Straight, Place and Show	13
Angels with Dirty Faces.....	Stier	*Angels with Dirty Faces	12
Love, I'd Give My Life for You.....	Stansy	*Hollywood Revels	12
You Go to My Head.....	Remick	Pop	12
Small Fry.....	Famous	*Sing You Si	12
Old Folks.....	Remick	Pop	11
I Haven't Changed a Thing.....	Mills	Pop	11
Night Is Filled with Music.....	Berlin	*Carefree	11
Alexander's Ragtime Band.....	ABC	*Alexander's Ragtime Band	10
Lullaby in Rhythm.....	Robbins	Pop	10
Love Doesn't Grow on Trees.....	Paramount	*A Song Is Born	10
If I Loved You More.....	Words-Music	Pop	10
Please Come Out of Your Dream.....	Words-Music	Pop	10

On the Upbeat

McFarland Twins, formerly with Fred Faring, now leading their orchestra, replace Paul Kain's outfit in the Rainbow Grill, N. Y., Nov. 21.

Ray Herbeck stays at Willows, Pittsburgh, until Dec. 1 when spot will close until next May except for holiday week-ends.

Ralph de Stefano, trumpet player until recently with Herbie Kay, has joined Al Marsico's orch at Show Boat, Pittsburgh.

Jimmy Gamble optioned at Eddie Peyton's, Pittsburgh, for indefinite period.

Al Fremont indef. at Half Moon, Steubenville, O. Leola Frazier featured vocalist.

Shep Fields orch stays another month at the Biltmore Bowl in Los Angeles.

Charles (Chuck) Foster and band moved into Topsy's in Southgate, Cal.

Cliff Burt at Log Cabin Inn, Atlanta.

Oscar Seal opened Saturday (12) at Wieuca Inn, Atlanta night spot, after tour of south. Augmented with floor show.

Johnny McIntzer at Atlanta's Ritz Club.

Hotel Statler Terrace Room, Detroit, want Xavier Cugat's band at spot until after first of year. But may be stymied by other commitments.

Jan Savitt, Gray Gordon, Lea Brown and Erskine Hawkins just completed new Victor discs through CRA.

Mike Riley, current at Raymor ballroom, Boston, will move to Troc, new New York niter, end of November with singer Marion Miller.

Four Inkspots have added Ed Benson, pianist, but will not change figure in billing. Due at Hipp, Baltimore, Dec. 30, one week.

Roy Eldredge replaced Count Basie at the Famous Door Sunday (13). In for two weeks between the exit of Basie and debut of Red Norvo-Mildred Bailey' orch.

BAND BOOKINGS

Southern Gentlemen, Tantilla Gardens, Richmond, Va., Nov. 15 for two weeks.

Jimmy Richards, Gray Wolf Tavern, Sharon, Pa., Dec. 5.

Mark Talent Trio, Nelson hotel, Rockford, Ill., Nov. 15.

Jack and Marge, cocktailers, Roosevelt hotel, Pittsburgh, Pa., Nov. 15.

Jimmy Dorsey, New Yorker hotel, N. Y., Jan. 24.

Lani McIntire, Book-Cadillac hotel, Detroit, Nov. 17, two weeks.

Claude Hopkins, Nixon Grand theatre, Pittsburgh, Dec. 24.

Mal Hallett, State, Hartford, Conn., Nov. 16, one week.

Frank Dailey, Adolphus hotel, Dallas, Tex., Jan. 4.

Sleepy Hall, Tampa Terrace hotel, Tampa, Fla., Dec. 3-10.

Ivor Trio, Marine Grill, McAlpin hotel, N. Y., Nov. 15.

Johnny Hamp one-niting midwest for CRA.

Barney Rapp, Moonlit Gardens, Saginaw, Mich., Nov. 23-Dec. 6.

Chauncey Cromwell, Commodore Perry hotel, Toledo, O., Nov. 23.

Lang Thompson, Blackstone hotel, Ft. Worth, Tex., Dec. 9 following Carl Ravazza.

Harry Barris one-niting Coast for CRA.

Henry Busse, Netherland Plaza hotel, Cincinnati, Dec. 15.

Barry Shipman clefted 'Kick Off Your Shoes and Go Barefoot' for the film, 'Headley Family at Home.'

Roger Edens is writing a song for Joan Crawford to sing in 'Ice Follies' at Metro.

THE HOUSE OF 1000 HITS

Current Hits
(OH! OH!)

"WHAT DO YOU
KNOW ABOUT LOVE"

"FORGET IF YOU CAN"

Watch Out For

"Among Those Sailing"

and

"Pepito and His Violin"

as well as new announcements
in this space every week.

EDWARD B. MARKS

OLD SONG SUGGESTIONS
FOR YOUR PROGRAMS
JIMMY McHUGH'S

"I Must Have That Man"

MILLS MUSIC, INC.

Miller Hits

THAT HIT THE 'Spot'

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By Bud Green, Albert Stillman and
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The Newest Novelty Smash!

JULIANA

By Raymond B. Egan and Harry Tierney

MILLER MUSIC, INC.

1270 SIXTH AVENUE • NEW YORK

AFA Nixes AED Contract Tieng Up Acts to New Club Bookers' Ass'n

Members of the recently formed booker group, Associated Entertainment Directors of New York (offshoot of the Entertainment Managers Assn.) have had their authorization contracts with performers nixed by the American Federation of Actors. Bookers sought to tie up acts with a contract that was declared inequitable by the AFA. Union states that it's not averse to such a method of maintaining salary standards, but that the agreement requires much revision before it would be acceptable.

The EMA considered a similar plan early last summer but abandoned it as a restraint of trade. That plan and the new one called for members to juggle acts among themselves to exclusion of other bookers. If, after revision, AED ticket is still unacceptable, AED members may adopt a manager set-up, guaranteeing work and money over set periods in return for exclusive use of acts in club field and control outside that field as well.

AED claims that the cost of shows has dropped an average of 75% during past five years because of chisel agents. In highly specialized field of club dates it's necessary that an act's price be maintained because it cannot repeat a date within less than three years, unless exceptional, AED claims. Later's members want to protect their own take as well as those of acts by eliminating such abuses.

300 Club Acts

Though nearly all acts can be regarded as possible club acts, there are only about 300 regulars in New York. Of this number, AED members would sign about 150. Acts could work for all providing salary was maintained, AED wanting authorization only as a means of checking up on competition to see that acts were not being offered for less than they themselves (AED) would pay.

AFA demands that a stipulated amount of work be guaranteed over a period of time; that agent must post a bond to insure fulfillment of all contracts with acts and that the actor have the right to cancel agreement within a brief given time if work is not forthcoming. Acts must not be used as a football between warring agent factions, says union. AFA and EMA see in the move an effort to throttle EMA members and both are opposing move for that reason, AFA taking stand that it's not concerned in any battles and seeks only to protect its membership.

AED states that it is already opposed to minimum of \$10 set by the AFA and will fight against it on ground that it militates against the maximum. Publication of that figure by daily papers has already hurt among laymen committees but buying shows for their organizations. AFA has tried to work with the AFA, but will fight for what it wants if not successful in dealings, it states.

Act control is one of the reasons that caused the EMA splitup couple of weeks ago, when some members nixed it. AED also states that the old organization was run by a group of inactive men who formed a bloc to stop any progressive moves. It's claimed that majority of those still in EMA hold outside jobs and devote little of their time to booking as compared to all-day activity of AED members.

EMA's national organization plans will be formulated in New York Dec. 4, when club date bookers of other states will join local EMA members at annual entertainment and dance at Capitol hotel, N. Y. Business meeting will be held at Taft hotel in afternoon and social in evening at the Capitol. Reps from Philadelphia, Pittsburgh, Chicago and Baltimore will attend. Also likely that St. Louis, Cleveland, Cincinnati and Detroit bookers will attend to discuss licensing, salary and kindred problems.

Dick Foran to Play 1 Wk.

In Vaude; Pic Cancels 2

Dick Foran goes into the Earle, Philadelphia, Friday to play one week of the three originally set for him. Cowboy star was down for Stanley, Pittsburgh, Nov. 25 and Strand, Brooklyn, Dec. 2. Picture commitment forced Foran to cancel latter two dates.

Banks West with Second Gracie Fields Fox Pic

Monty Banks, 20th-Fox British producer, has brought back with him a print of the second Gracie Fields production, "Smiling Along." Producer left immediately for the Coast to confer with Darryl F. Zanuck on sales angles for the Fields picture.

Banks states that 20th-Fox plans to produce in France, but would not disclose any details. No confirmation of production activity in France could be obtained at the home office.

10G CASA SHOW DOING 40G A WEEK

Billy Rose hopes to keep the current bill at Casa Manana, New York, for six weeks. It's his most expensive alignment of acts, headlined by Lou Holtz, Veez and Yolanda, Benny Field and others.

Rose has been grossing around \$46,000 with the new bill. His Diamond Horseshoe in the basement of the Paramount hotel, N. Y., will be a takeoff on the Metropolitan Opera House's famed d.h., with boxes lining the room and the entertainment taking place on a stage above the bar. In that respect it's patterned after the Frontier Palace idea at the Ft. Worth expo two years ago.

William Morris agency, latest entry in band booking field, signed the Horseshoe this week as its exclusive band booker, and will open the spot with Noble Sissie's orchestra Nov. 25. Office also took over management of Jack Denny and Vincent Lopez this week from Music Corp. of America and will book Denny into Loew's State, N. Y., week of Nov. 24. Gives office 19 bands now since starting this fall.

Bros. Map Defense In Slaying of Ga. Cleric

Atlanta, Nov. 15.

Henry J. and W. H. Cofer, cafe operators on St. Simons Island, coastal resort, have retained William Schley Howard, of here, one of south's most widely known criminal lawyers, to represent them when they go on trial in Brunswick, Ga., the second week in January for the murder of Dr. Charles H. Lee, crusading Episcopal minister.

Henry J. Cofer is owner of Golden Isle Hotel and Casino and other property on St. Simons Island, and his brother is proprietor of a liquor store. Pair stand accused of hiring two Negroes to slay Dr. Lee, rector of historic Christ church, because of 71-year-old cleric's outspoken attacks on vice conditions on island.

Dr. Lee was slain by an assassin's bullet the night of Feb. 5 as he sat at his desk preparing a sermon in church rectory. His slaying and subsequent arrest of four suspects resulted in mass meeting of 150 residents at St. Simons Island and naming of committee of 12 to probe and report on gambling and crime conditions at Georgia coastal resort.

EMA Picks Bernard

Philadelphia, Nov. 15.

Election by the Entertainment Managers Assn., booker group here, resulted in re-election of Florence Bernard to the presidency.

Roy Cross was elected v.p.; Madeline Wood, secretary, and James Smith, treasurer. New members of the board of directors are Joseph Hughes, chairman; Tony Phillips and Jay Raymond.

LaFayette and LaVerne headlining current show at Club Continental, Hotel Jefferson, St. Louis. Tony di Pardo's orch on dais.

HOP FROM HOLLYWOOD

'Ice Follies' Jumps to Cleveland for Initial Date

Cleveland, Nov. 15. 'Ice Follies of 1939,' new edition of Johnson & Shipstad spectacles, broke the ice for its cross-country tour at Al Sutphin's Arena Monday (14) for an eight-day break-in date.

Unit of 60 jumped here directly from Hollywood, where they finished filming scenes for Joan Crawford's last Metro pic bearing the same title, Bess Ehrhardt, Frances Claudet and Evelyn Chandler, each of whom carried their own independent shows last season, are teamed as musical revue's act, figure-skaters. Besides Helene, it's the first Iceberg, Leanne Busher, Oscar Goldman, Ray and Eddie Shipstad, company features ballet of 24 skating girls and 25 acts.

Gae Foster from Roxy theatre, New York, and Ernie Kratzinger handling the music are two of the co-directors expected here for the press. It's the first Iceberg extravaganza of the season for the 9,500-seat arena, which is putting a \$2.35 top on it. Last semester Sonja Henie drew a record \$65,000 into spot managed by Sutphin, who also is topman of Cleveland Barons' hockey team.

Itinerary not yet settled by Edward Mahlike, booker and one of the partners, but it is pretty definite that 'Ice Follies' will go to Chicago Coliseum for its second date. Tour is being arranged to capitalize on publicity given to troupe in Joan Crawford's soon to be released film.

Girl Maestro's Fiance Slain in Gambling Row; Ga. Cafe Operator Killed

Oklahoma City, Nov. 15.

Charles Floyd Clark, 32, of Goldsmith, Tex., fiance of Beatrice Lowry, leader of an all-girl orchestra at the Silver Dollar niter here, was stabbed to death on the floor of the niter by five youths now held in the county jail.

Fight resulted from charges that Clark's assailants were cheating in a crap game. Orchestra continued to play to drown out screams of persons near the scene of the incident and a majority of the patrons knew nothing of the death until it broke in the papers.

Cafe Op Killed

Andersonville, Ga., Nov. 15.

Pete Andersen, 30, was shot to death last week and Pete Ivester, 23, was jailed following shooting in cafe of Levis Gibbs, outside city limits.

Ivester surrendered to Sheriff Arthur Bell following shooting, claiming self defense. Witnesses said Andersen, operator of a small cafe near scene of shooting, threatened Ivester with a knife when latter whipped out a pistol.

JITTERBUG HYPO IDEA FAST PETERING OUT

Philadelphia, Nov. 15.

Jitterbug terp contests, going great guns here a couple weeks ago, have all but petered out now. Warner Bros.' first six-week contest worked like a charm at the b.o. and Indies scrambled to take up the idea. Immediately following success of the first contest, WB started a second. It's pretty much a flop, however, as the idea has been overworked by now because the number of possible entrants is so limited. It winds up next week and there will be no more so far as WB is concerned.

Kernan and Ingram, winners of the first contest, who got a week at the Earle, are now being booked by Harry Biben. They appeared at the Lyric, Allentown, last weekend.

Philly Deb Anne Francine Wins Contest, Warbler Job

Philadelphia, Nov. 15.

Anne Francine won the chirping contest for deb's only at Coq Rouge, class New York niter, last week. She opens at the spot tonight (Tuesday) for a four-week stay, with options. Judges were Dean Cornwell, Bradshaw Crandall, Arthur William Brown, Wallace Ford and Glenda Farrell.

Miss Francine was a Philadelphia deb of two seasons ago.

Cleve. Talent Scarcity, Niteries Paying Heavily for Ex-Burlesk Strippers; Chi Nixes Nudie Stuff

Powell's Special Music

For Richman's Cafe Show

Teddy Powell wrote the special material for Harry Richman's new niter, called the Road to Mandalay, an East Indian motif opening in the Delmonico Hotel, New York, early next month.

Songsmith flew to Chicago last week to talk to Richman concerning the music. Deal set by George Woods.

ULTIMATUM TO CHI NITER BY AFA

Chicago, Nov. 15.

First action here against hotel spots in the current organizational campaign by the American Federation of Actors is due to be directed against the College Inn of the Hotel Sherman. AFA will declare the College Inn unfair as of Nov. 25 unless the niter signatures an AFA agreement.

Two more northside rooms, Harry's New York Cabaret and the Club Alabama, signed last week. Agreements were negotiated by Guy Magley, AFA representative here. New York Cabaret signed after a couple of days of picketing.

AFA has signed mutual co-operation agreements with the trades council here, delivery and trades workers unions supplying nite clubs locally all aiding in the drive.

With practically all the important independent niteries now signed, AFA is now turning more towards the hotel dine-and-dance rooms for similar agreements. Now considered likely that the hotels will make deals with the AFA before the holiday season gets underway since they seek no union trouble during their best money-making period.

Vaude and niter agents around town have indicated their 100% readiness to sign an exclusive deal with the AFA and to handle only acts that are members of the union.

AFRIQUE FOR THE STATES

Cape Town, Oct. 27.

Afrique, impersonator, who recently toured South Africa with African Consolidated Theatres Jubilee variety show, has sailed for England to carry out contracts there. Set for the States end of next March.

Cleveland, Nov. 15.

Talent is so scarce here that town's bookers are becoming stage-door johnnies at the Roxy, George Young's burlesk house, trying to high-pressure strippers and shakers into local niter dates.

Until Young recently gave strict orders to bounce them out on their ears, the flesh-peddlers were boldly crashing backstage to put the bee on acts. After the taboo they revived the ancient (but new to Cleveland) institution of curbstone agencies in the alley behind theatre. Now a burley performer can't amble out for a snack without being pounced upon by two or three agents, who give them ear-burning spels about high salaries the talent-starved niteries pay for nuders.

High-pressure stuff and inducements are so attractive that Roxy is losing leasers and other acts weekly to outlying cafes. Majority of hip-wrigglers who got about \$35 per week for a burley strip are being sold to niter owners here for \$75 and up. Latter are getting wise lately, with kick-backs that provide laughs for the rickie wisecracks.

Harry Winzimmer, backer of high-tariffed Avalon Club, burned the loudest a fortnight ago when customer recognized his 'latest Broadway importation' as being a stripper straight from George Young's local stables. 'My joint's too classy for Roxy twists, and I won't have 'em,' he yipped at a booker. But shortage of acts apparently changed his mind. Needing a Thanksgiving attraction, Winzimmer is top-billing Florenza, flame-dancer, and paying triple what she got last week at the Roxy.

Although other niteries are trying to keep bars up against the local burley peelers, agents are still getting them in by hook and crook. Two holdouts are Freddie Meyers and Fred Morelli, whose cafes specialize in flashy leg shows. Both chase all over the midwest rounding up their own acts but they still get burnt occasionally. Meyers blew back from Windy City, confident that his new \$125-per-week bareskin dancer was a graduate of International Casino.

(Continued on page 43)

NITER BIZ HIT IN FLINT DUE TO RUM SALE CURB

Flint, Mich., Nov. 15.

Niter biz received a jolt here in last week's state elections when voters defeated a proposal to permit sale of liquor by the glass in Flint.

Under present city ordinance, only beer and wine can be sold by the drink. Liquor-by-glass proponents believe hard liquor sales would increase niter biz considerably and thereby would permit inclusion of several topnotch floor shows.

1905-1938

THIRD OF A CENTURY

Calendar showing dates from November 1938 to January 1939.

Club Bookers Typed as 'Employers,' Bringing Ins., Soc. Sec. Tax Blues

Abany, Nov. 15.

Designated as an employer rather than an agency by the New York State Department of Labor, and the first club entertainment booking office so named, the Apollo Entertainment Bureau has protested the classification. Office was notified last week and given number 79-71149, which makes it responsible for unemployment insurance. Likely that social security and compensation insurance taxes will follow if decision is sustained.

Club date bookers regard themselves as bureau and outside the licensing classification of agencies and do not want to be saddled with other responsibilities.

Interest of the Department of Labor in field was first indicated about a month ago. Slow checkup on employers and employees was regarded as means of establishing status of agents, who had used numerous dodges to escape that classification to avoid licensing and consequent fee limitations. Hotels, nightclubs, radio stations and bands were first hit. Bureau pay acts payroll salaries, pocketing difference on show costs. Agents and bookers collect a commission.

Ruling means that bureaus must take 3% of monies paid acts out of their own kicks for Unemployment Insurance. Social Security would mean additional graduating taxes, necessitating bookkeeping headaches, etc. It's being protested on grounds of who can determine when and if a

club act is out of work. What with layoffs and irregularity of dates, acts could never collect from governmental agencies and hence neither bookers nor acts can be listed under general classifications of law. Presents too many complications, is beef.

STATE-LAKE, CHI, KEEPS VAUDE DESPITE OP SPLIT

Chicago, Nov. 15.

Though Jones, Linick & Schaefer is quitting operation of the State-Lake, which will be taken over by Balaban & Katz, the house will retain vaudeville.

With J. L. & S. moving as exclusive operator of the Oriental on Friday (18), the State-Lake will be closed by B. & K. with the house to undergo extensive remodeling. Will reopen Christmas Day.

Both had a joint operating deal for the State-Lake, but dissolved it last week.

Sands Joins Mills

Hal Sands, producer and booker, has joined Mills Artists, New York, with which he will specialize in hotel and niteries productions, a new venture for the office.

Sands has specialized in booking talent to South America a field which Mills will try to invade.

Saranac Lake

By HAPPY BENWAY

Manuel Enriquez, formerly with Dave Apollon, in from New York, as a newcomer at the Rogers. Ditto for Mrs. Pat Mintner, of Gettysburg, Pa. Both under observation.

Inell Guillery and Mike Cojahn have joined the pneumo-thorax gang and are doing well.

Chris Hagedorn has invented a gadget that will prevent one from slipping in the bathtub.

Harold (Will Rogers) Rodner in and out for that monthly look-see at his patients. Pleased with the progress of many.

Emma (Neil), Doris Andrews, Helen Morrissey, Dolly Davidson, Sam Putnam and Hennessee Lindoff have left the infirmary and are up for mild exercise.

Carleen Knight, who mastered several operations under Dr. Woodruff, up and around.

Herbert Elder, who got a return date here, up and downtown to get his motors regulated.

Happy Ward, Jr., is one year older. For a birthday gift he received skills. The Rev. Father Blais, actors' chaplain here, paid tribute to this Colony in his Armistice Day address at the local town hall. Over 500 vets attended. Mayor Thomas Ward also was there.

Write to those who are ill.

TWO NIGHT CLUBS IN PHILLY TO OPEN

Philadelphia, Nov. 15. Philadelphia's 21 Club, which shut down two weeks ago under the stress of punk biz, will be reopened Friday (18) by Herbie Frank, former operator of Herb's 1412 Club, now in bankruptcy.

Tag will be changed. Last operator was Mrs. Fay Tickener.

'The Jam Session' was opened here last week by two musicians. It's modeled after the Onyx Club, New York, aiming to become a musicians' hangout and featuring music of the impromptu swing variety.

Operators are Nate Segall and Billy Kreschner, former saxer with the Earle theatre orchestra.

New Orleans, Nov. 15.

The Golden Pumpkin, suburban spot closed for several months, was reopened here Saturday (12) under new name, the Club Belvedere.

Al Nichols' band being featured along with local talent. Niterie, remodeled and redecorated, was greeted by packed house opening night.

JOE E. LEWIS' H.O., PHILLY

Philadelphia, Nov. 15.

Joe E. Lewis is being held over by Jack Lynch while the rest of the show at the Walton Roof shifts tomorrow (Wednesday).

Coming in are Josephine Huston, Digitana, local dance duo, and Tip, Tap and Toe.

• 15 YEARS AGO •

(From VARIETY and Clipper)

Cecelia Loftus and Fritz Scheff shared the honors at the N. Y. Palace. Miss Loftus got a big reception and 10 floral pieces at the opening mat with seven at the evening show. Did a bit with Norah Bayes coming out of the audience to sing a song which she mimicked perfectly. Frank Crumit also scored a hit.

Alhambra (N. Y.) having an 18th anniversary. Van and Schenck topping with Powers' elephants and Harry Green helping along.

Aileen Stanley playing the Loew time because she got \$200 more than Keith offered.

Bobby Henshaw, just back from England, was one of the toppers at the 86th St. N. Y. Had to speech off.

Eddie Leonard wowing 'em in Boston. Keith's a sellout and nothing he did could be wrong. Rest of the show was pretty tart, but he carried it along.

Theodore Roberts at the Palace, Chi, doing a 28-minute sketch and making a six-minute speech. Monroe and Mack and Senator Ford supplied the comedy, with Pearl Regay in for the s. a.

Belle Baker sang eight songs at the State-Lake, Chi, and at the show regarded as the toughest of the week.

Lillian Burkhardt doing a dope sketch in Los Angeles. Followed with a brief spiel against narcotics.

Hollywood producers planning to get out of old locations to cheaper and more convenient sites further out of town. Fox and Christie led the march.

Internal revenue officials getting ready to move in on the exhibits. Too much stalling on the ticket tax. Went for income tax returns, too. Some exhibits chiseled as much as 75%, but part of that went for fixing.

The 11 B'way picture houses grosses \$216,380 the previous week.

Lee Tracy, then legit, fined \$10 in Buffalo for intoxication and creating a disturbance.

Niterie Reviews

Hotel Roosevelt, N. Y.

Guy Lombardo is back at the Roosevelt, and for a long, consecutive engagement, so in means the grill is in for a bullish gross. Opening last week, the Lombardos remain until May 1.

As a band attraction Lombardo has been too stable to require much comment other than the significant commentary that swing or salon, there's unquestionably a market for the sweet style of demagoguery. An hour or so in the Roosevelt grill studying the type patronage, should be valuable to showmen, whether theatre, cafe, dance promoters, radio or other branch of the biz, since it makes them aware that they still like to hear the basic melodies.

The crowd is just as young and effervescent as that which the out-of-this-world bandmen attract, but also, there's a medium of more conservative patronage, and that means a higher per capita spending quotient. That's no small element when dickering with the dance crowd. It's one thing to get 'em in grooves at the small minimums; it's something else again to pull 'em when there's a good average of better spending people to be had. It makes plenty difference. Lombardo is otherwise the same. That goes for brother Carmen's tremolo tenoring, which some of the other bandmen have mildly lampooned on occasion. But that's as traded as the warblers. Top tenor solos are with Morton Downey or those low notes with Benny Fields and Bing Crosby.

The Lombardos know their audiences and the dance tastes, and very successfully mix up the sweet with the sweet-hot as the sessions shift. Nothing else here, just the band, but biz has been terrific from the barbers. The Roosevelt, however, missed a little ballroom opportunity by gunshooting Roger Pryor's band, just preceding, when the hostelry seemingly had an opportunity to exploit a maestro with a ready-made Hollywood buildup. Abel.

MAISONNETTE RUSSE

(HOTEL ST. REGIS, N. Y.)

Eva Ortega, Gedda Petry, Iasha Nazarenko, Boris Belostozky, Michel Greben, Serge Abagoff, Mathey's Tziganes, Billy Hicks band (6).

The Hotel St. Regis' swanky Maisonnette Russe this season is a curious medley, but somehow it blends well and changes up into appropriately chi-chi diversissement, although, on paper, it looks like a bit of clam-bake. Picture this setup: Billy Hicks and his Sizzling Six at the St. Regis' copy-writers call 'em Nubian syncopators, which is \$4 talk for a colored swing combo; a Franco-Russe diversissement captioned Le Bouffe Parisien, again, an imperialistic St. Petersburg background of the 1880s; a tzigane orchestra to accompany that; a new 'Palais Glide' dance step, which is of British origin—and all this set in a Russian mansionette.

It's variety to say the least, but because of its Continental flavor, it's a cosmopolitan blend that's highly palatable. Eva Ortega, personality songstress, and Iasha Nazarenko, holdover from previous seasons, are the leading pair, along with Gedda Petry, Boris Belostozky, Michel Greben and Serge Abagoff.

Prince Serge Obolensky, who presides over the Hotel St. Regis' entertainments, last summer was among the first to bring back from London the Lambeth Walk. Coincidentally, he also saw the older Palais Glide being done, or being attempted, in the smart London west end niteries and 'bottle clubs'. The Palais is a more difficult routine and will not ap-

proach the Lambeth for quick appeal, but it's good showmanship, and, since the cafe society bunch that patronizes bottles of this nature likes this sort of fol-de-rol, it's proving a good stunt for the Maisonnette.

The topper, however, is the manner in which they're hooding to the swing sextet. The Harlem combo, in gay Cossack costumes, something to behold, but that doesn't impair its tempo. Whether or not the former seasons' Cornellius Coddaban, with his sweeter combo, might be deemed a better fit in this spot, the dance floor has never been as crowded as now. Mathey's tzigane combo is the alternate. Abel.

606, CHICAGO

Chicago, Nov. 12.

Billy Carr, Line (4), Renee Villon, Joel and Annette, Marion Miller, Ethel Brown, Carmen, Mary Jane Brown, Jessie Rosella, Louis Cornish, Vilma Jossey, Dolly Sterling, Anne O'Connor, Ruby Bennett, Betty and Lawrence Cook, Collette, Tripoli Trio, Sol Lake Orch.

One of the most unique spots in the midwest, the 606, continues to be a territory fave and a great source of amazement to rival operators. With more talent and acts than several niteries combined, it operates consistently to profit.

Spot serves only liquor. Will serve food only at the insistence of a customer, and then must send outside for it. Delivers a 120-minute show, with only a 30-minute interval. Acts follow one another so quickly that it seems as if they're being turned out by a machine. And there appears to be no end to 'em. Also, the quality is consistently good.

Primarily femme strippers and dancers, with an occasional femme (Continued on page 44)

FRANK PARIS

AND HIS MARIONETTES

PARADISE CAFE
NEW YORK

Exclusive Management
SHERWOOD & MATHEWS
Direction: INGALLS & DAVIES

MOUNT ROYAL

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AGAIN

LOU BREESE AND HIS ORCHESTRA

Now CHEZ PAREE, Chicago

My Sincere Thanks to JOEY JACOBSON and MIKE FRITZEL

Broadcasting Nightly, 10:30-11:00 P. M., NBC Network

MINOR and ROOT

Ed Sullivan, N. Y. Daily News, says—"Just for the records: New York's new dance area was brought back from South America last May by Minor and Root . . . from this column of May 16: 'Minor and Root returning from Brazil with their new dance, the Samba.'"

SAMMY CLARK

Whose recent work in Chicago has made him well known to Artists, Club Owners and Managers alike, is now associated with

WILL WEBER PRODUCTIONS

1569 Broadway
New York, N. Y.

208 No. Wabash Ave.
Chicago, Ill.

John Boles Opens Senator Theatre Vaude, Pittsburgh, on Tryout Basis

Pittsburgh, Nov. 15. Pittsburgh gets another flesh spot Thanksgiving Day (24) when Harris Amus. Co. launches 1,800-seat Senator, formerly Loew's Aldine. Opening will be John Boles in person, with 'Service De Luxe' on screen. Boles will comprise entire inaugural show, with band in pit.

Whether Senator will continue vaudeville as a permanent policy hasn't been decided yet. Understood everything depends on outcome of present negotiations with musician and stagehand unions. According to Harris, if satisfactory deal can be worked out, flesh will go along week-to-week. Otherwise, stage shows will come in only occasionally. Harris worked similar plan at their other downtown first-run house, Alvin, following its opening four years ago, but eliminated flesh altogether in 1936 and has since stuck to straight films. Figured locally that since Senator will get second pick of product on Harris film allotment, flesh will likely be more frequent there.

Senator, in its Loew hey-day more than a decade ago, under Louis K. Sidney's management, was biggest money-maker in town, but fell on lean days after de Luxe Stanley and Penn also opened with flesh, and for the last five years has been closed. At present, Stanley is only other spot in town with presentations, Penn also having gone to straight pictures.

Ken Hoel, combo manager and p.a. for Harris, who substitutes for George Tyson every summer as chain's publicity director, will pilot the Senator.

Colored Vaude for Philly

Philadelphia, Nov. 15. Two flesh houses will reopen here shortly. Both will use colored vaude and whatever pictures are available. The Lincoln, operated by Wax brothers, will light on Thanksgiving Day. Harry Slatko will manage it.

Nixon's Grand is definitely set to

open Christmas Day but may unshutter before then if shows can be set. Sam Stiefel is booking but who's operating is still being kept under cover. Stiefel, Eddie Sherman and Sid Stanley, who operate Fays here, are reported as partners in the house with Izzy Rappaport, of the Hippodrome, Baltimore. All deny the deal, however.

Both the Lincoln and Grand have been opened and closed intermittently during the past few years. Neither has operated profitably, especially when they have been open at once, due to competition, for limited colored name acts.

Another Try on Coast

Los Angeles, Nov. 15. Sunday night vaude returns to the Wilshire-Ebell theatre (20), sponsored by Harry Lash and Jack Barr. On the opening bill are: Jan Rubini's orchestra, Johnson and Deal, Linn Mayberry, Morro and Yacaneli, 16 Ballaters, Fritz and Jean Hubert, Sammy White, Six Danwills and Ben Blue and Co.

Blacaman, Italian Beast Hypnotizer, Okd by U. S.

Los Angeles, Nov. 15. Blacaman, hypnotic animal trainer from Italy, obtained a modification of his immigration permit, allowing him to accept theatrical engagements in the U. S. Original permit restricted his work to the Hagenbeck-Wallace circus, which folded in mid-summer.

Blacaman's bond had been ordered forfeited by the immigration officials, but the forfeiture was set aside through the efforts of the National Surety Co. His immigration permit runs until Dec. 18.

Acts Sail for Aussie

Los Angeles, Nov. 15. Troupe of seven vaude acts, booked by Sam Kramer, sailed for Melbourne to open a tour of the Tivoli circuit in Australia. Acts are: Adriana Caselotti (Voice of 'Snow White'), Large and Morgener, Sylvia and Clement, Nelson and Knight, George Downey, Helen Honan and Simpson's Marionettes.

Basie Switches N.Y.; Opens at Par Nov. 30

Originally scheduled to go into the Strand, New York, week Dec. 9, Count Basie's orchestra has switched to the opposition Paramount. Crew opens at the latter Nov. 30 for one week.

Basie bowed out of the Famous Door (N. Y.) nitery, where he had been for the past few months, Saturday (12). First night out it broke the colored band record at the Savoy Ballroom, N. Y., pulling 2,870. Jimmie Lunceford's orchestra held the mark previously.

LOEW'S, BALTO, IN TOOTER OK; PAY UP

Loew's Century, Baltimore, will continue its musical presentation policy. Contracts were signed last week with union for 30 men to continue in the pit, augmented by couple of musical acts.

House started policy on trial basis 10 weeks ago. New setup starts officially tomorrow (Thursday) with 10 men dropped from 40 who had been employed during the experiment. Pay is said to have been increased to \$45 per man for half-hour vaude. Salaries during the 10-week period had been \$35 for 20-minute musical shows.

Nitery Placements

Ray Marlow opened at Phil Selznick's, Los Angeles. Jack Waldron at Slapsy Maxie Rosenbloom's, Hollywood, replacing Archie Robbins as m. c. Dardanella club, Hollywood, got under way with Joe Frisco, Holly and Lee, Genevieve Tighe and Bud Hyde as m. c.

Cleve. Talent

(Continued from page 41)

in New York. Discovered too late that she had played at George Young's Roxy only three weeks before.

Chi Wants Real Acts

Chicago, Nov. 15. Chicago, the No. 2 city in America, employs approximately 30 vaude acts a week, but the nite clubs in Chicago book nearly 300 acts each week, and Detroit more than 100 acts weekly. Great change has taken place in the nite club picture during the past few months, a change which has given the standard vaude act a great break. This is the sudden shy-away of niteries from femme strippers. Customers have gone cold on the femme underdresses, having found out, at long last, that the strippers have peed down as far as they can go. With the result the vaude acts are turning to former vaude bookers and agents for their talent instead of dealing with the exclusive cafe agencies which haven't the knowledge or contacts with variety acts necessary for the successful booking of the new nitery talent demands.

In Chicago, as a typical instance, the bookings range from big-time to small-time just as it was rated in the vaude days, with the acts breaking in on the small nabe nitery circuit and working towards a date in the Empire Room, the Chez Paree, College Inn, etc., for the top spot in the nocturne route.

Apollon's Loss in Folded N. Y. Cafe Set at \$22,000; Bates' New Backers

Recapitulating his losses in the short-lived Club Casanova, New York, Dave Apollon and Bernard Burke, his manager, figure that the bandman-comedian is out some \$22,000, and not quite \$30,000, which was first thought to be his loss. Furthermore, Apollon was made an involuntary investor with Nick Bates in the Casanova, nee Merry-Go-Round, although technically coming into the spot as an employee at \$2,750 a week.

When Bates needed around \$8,500 to help defray the redecoration costs, Apollon advanced that, and Bates was supposed to pay him back at the rate of \$250 a week. So Apollon's weekly check was to have been \$3,000.

While some \$8,800 was taken in the first week, Apollon is out four weeks' salary, at \$2,750, for which, incidentally, a \$3,000 settlement offer was made by Bates and some new backers. Burke is accepting this in Apollon's behalf.

The Merry-Go-Round was formerly the House of (Helen) Morgan and is now being run by Bates, sans entertainment, under marshal's supervision.

Sherman Billingsley, boniface of the Stork Club, who had been mentioned before in connection with taking over the spot as a class supper room, may yet come into the picture again.

Meantime, Apollon, cured of his splurge into the nitery field, opens Dec. 24 in Memphis at the Orpheum, and is set for Interstate time to follow, with an elaborate unit.

The rest of the money which came from Apollon included payoffs to Dario and Diane, Milli Monti and Senor Wences, the opening bill; a guarantee on a \$1,500 c.o.d. liquor bill, Apollon stating he'd okay half of it, and sundry other disbursements.

A second New York 'class' nitery casualty within a week was the Central Park Casino, which discontinued operations temporarily last Wednesday (9) and several days later filed a voluntary petition for an arrangement of its liabilities. A proposed 10% payoff is being made by John M. Johnndis (of the old Nick Prounis and John combination, from the Beaux Arts, N. Y.), who

has been president of the operating company, European Restaurant, Inc., 151 East 57th street. Spot was the Salon Royale before it became the C. P. Casino.

Johnndis reopened the spot with Sid Solomon, who directed the now razed C. P. Casino in the Jimmy Walker era, and figured Solomon's presence would give the spot impetus, especially with its famed name. Biz, however, didn't materialize and Johnndis eased Solomon out a couple of weeks after the place opened with a class policy, name band, etc.

This is a voluntary proceeding under Chapter 11 of the Chandler Act, listing \$31,567 in liabilities; assets, \$6,724.

5 NABBED IN GA. NITERY ON LOTTERY CHARGES

Lawrenceville, Ga., Nov. 15. Three white men and two Negroes were indicted here last week at special session of Gwinnet county grand jury on lottery charges following raid on Morro Castle, night spot, near Norcross.

Officers seized adding machine and several lottery books and had to run down suspects, who fled when cops were approached.

Myles for N. Y. Nitery

Lee Myles' orchestra returns to the Coconut Grove of the Park Central hotel, New York, Tuesday (22), when the nitery brings in a new show.

Irving Fields, current, preceded by Myles for a stretch of five months.

St. Regis' New Iceery

New ice show tomorrow at the Ice Cream Room of the St. Regis Hotel, N. Y., features Guy Owen, figure skater, plus Mary and Margaret Simpson, Dorothy Lewis and Sam Jarvis.

Charles Baum's orchestra, incumbent since room's fall reopening, continues to furnish the dansapartion.

ROBINSON TWINS

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Nitery Reviews

666, CHICAGO

(Continued from page 42)

vocalist, form the basis of the show, with, of course, Bill Carr, who, as m.c., is really responsible for much of the show's cliff-hanger. Carr has been here nearly two years and has built one of the strongest, most loyal followings in Chicago nitery life. Carr is not only a good handler of crowds and individuals, but can also sell a song well.

Four girls comprise the Margaret Faber line; no more could fit on this postage stamp floor. But they make up for their lack of numbers, t'is-ing off four routines.

Strippers Carmen, Collette, Vilma Josy, Marion Miller, Renee Vane and Ruby Bennett kick. Later has something approaching a new disrobing twist.

In the dancing brigade, Mary Jane Brown impresses. She is a real Cornwall leans towards acrobatics. Joel and Annette manage with difficulty to do an Apache number on the table-top floor, but they get over. Betty and Lawrence look are in their fourth month here, but still okay with their toe-tap items.

Apparently in with the lease are vocalists Jessie Rosella and Dolly Sterling, the former a generously-sized femme with plenty of power for ballads and swing. Later, in clown makeup, makes the wallpaper curl with her special gag.

Good comedy and clowning is handled by Anne O'Connor with her nifty burlesque of burlesque stripping. So, Lake orchestra does a yearning job for the show and dandspation. Gold.

BANDBOX, N. Y.

Eddie DeLange, ex Phil D'Arcy Quartet, Frances Faye, Elisse Cooper, Mike Ross.

Another for swing alone (52d street), located next door to Jack White's Club 18. White is also operator of the new Bandbox and is on a bicycle between the two, though confining his zany antics to 18. With both so close together, the Bandbox will serve partly to take care of White's overflow. The ropes go up often at his other spot.

Bandbox seats 150 comfortably and about 175 crowded, but has a considerably larger bar than the 18. Decor is simple and modern, with a boxed bandstand at the back which, though confined, adequately takes care of an orchestra of 15 men.

Eddie DeLange, ex with Will Hudson, now has his own crack crew of 14 men and a soloist. Since putting his orchestra together last spring, he has traveled fast since starting on a summer engagement at the Forest Hills, C. L. 1 Show Bar. The songwriting-maestro is a personality at the helm. Furthermore, in close quarters like this he wisely varies from softer rhythms to very hot swing. Mike Ross, trumpeter, doubles for the vocals.

Frances Faye, with her za-zu-zazz, is the hottest thing this side of Vesuvius. A vet in the 62d street blues, this un-sylph-like purveyor of swing throws much effective showmanship into her work. Performs at the piano throughout, as usual, stomping holes in the floor with her feet as she performs.

Adrian Rollini took over Wednesday (9), but they were opened the next night by the Phil D'Arcy Quartet, some, a good supplementary musical outfit to plug the waits.

Elisse Cooper (New Acts), from South Carolina, is with the DeLange band. She is an attractive, youthful swing singer with a good style and very listenable voice. Miss Cooper is on the air twice weekly for NBC, and a probable money-maker.

Minimum \$2.50, week-ends \$3.

Char.

HARLEM CASINO

Pittsburgh, Nov. 11. Sherdena Walker Orch (7), Dorice Bradley, George C. Rose Morgan, Larry Steele, Fats Patterson, Billy Knight, Willie Williams, Pedro & Dolores, Line (8).

For last couple of years Pittsburgh's No. 1 spot, Harlem Casino has reopened under new management after seven-month shutdown. Should have been a long time in the brook into the groove. Old practice of selling liquor until all hours, while a big help in putting club across, also cost Casino its license. Present operating policy is to be best to get customers educated to buying before the deadline.

Physical appearance of Casino hasn't been changed any; it's still barnlike, a renovated, thro' with an elevated platform in the middle for dancing and floorshow. Larry Steele, a familiar figure here, is back again producing the show. He and also m.c'ing, doing first-rate job in both.

Entertainment isn't elaborate, but it's fast and swingy. Steele has wisely put the talent in the show and even the vocal sections are kept at a minimum. Best job is done by the chorus, eight good-looking mulattos, all ac-

complished hoofers, who set the pace and then hold it through their four rapid-fire appearances.

Laughs are plentiful, coming chiefly from Rose (Cyclone) Morch, a street-smoking comedian with strictly a comedy pan and the ability to use it. Shows first in an amusing dance with Fats Patterson, heavy-weight stepper, and comes back for some risqué lyricizing at the mike. Incongruity of her map with those blue lines makes for a howling session.

Dorice Bradley's well-figured torso-shaker, starts weakly vocally, but finishes strong with some wicked bumping that the rindsiders eat up. George Gould, deep-voiced baritone, an old fave at this spot, still goes over big with 'O! Man River', and the like, with Pedro and Dolores coming through with some highly-specified, attractive ballroom terps. They can dish it out lowdown, too.

Featured tappers are Billy Knight and Willie Williams, who have their own act, come out on couple of occasions to lead the nitery line in some flash hot-footing. Steele likewise, takes his turn in this department and comes through. Should restrain his announcements just a bit, however; little too enthusiastic.

Sherdena Walker's band (she's at piano, others in outfit are male) are nice, but not for both show and dancing. Not exactly high-class swingers, but they're commercial. Cohen.

MAYFAIR, BOSTON

Boston, Nov. 12. Joe Rines Orch, Paul Gordon, Jitterbug Champions (6), Dorothy Blaine, Line (8).

This offering is packed with entertainment and variety during its 30 minutes. Featured act is a new one, Jitterbug Champions, six ams who won the 1938 Boston Evening American jitterbug contest at the Boston Garden. They provide the flash.

Joe Rines, who's been here before, is set for two weeks, coming to the spot from the St. Regis Roof, New York. His reputation here means something at the gate. He m.c.s decorously, vocalizes a few bars of "Fiddle for the Czar" to introduce the opening line number, and enters a Lambert Walk routine with the jitterbug troupe, in addition to directing his band in its usual good support of the acts. They play well, too, for the dancing.

Understanding is Paul Gordon, a cyclone in full dress, goes to the somewhat comic routine on both bicycles and unicycles that's not only unique, but well performed. In full dress, Gordon is in his voice "Alexander's Ragtime Band." "Go to My Head" and "South American Joe." Latter is her best.

Line has three numbers, Russian, rumba, and a "Pigskin Parade." All satisfactory and well executed by the gals, who fill every face-and-figure requisite of a class nitery line. George Libby does a smartly-routined production job. Altogether, one of the best shows at this club in months. Fox.

GRAND TERRACE

(CHICAGO)

Chicago, Nov. 10. Earl Hines Orch, Hossell & Coles, Dottie Saunders, Streamlined Sue, Dottie Fletcher, Son & Sonny.

Earl Hines' orchestra is the big attraction here, not only because of its continual plugging over a Coast-to-Coast wire on NBC, but also because it can get the most from a pop tune.

Hines has always leaned towards swing, even before the rock-'em moniker was conceived. Now that gate music is the mode, Hines rates top-notch in the classification. It's a 15-piece aggregation that gives out with the best of 'em in colored jazz swing. Hines not only is b.o. here but also in his occasional theatre dates.

Only two acts approach genuine entertainment on the colored floor show. First is Dusty Fletcher, a semi-hobo comic, with good material and even better delivery.

Son and Sonny are a standard dance team, doing in vaudeville as surefire hoofers.

Hossell and Coles miss up on their crossfire comedy. One sings, the other plays. Hines and Dottie Saunders sing a straight pop without too much animation, while Streamlined Sue depends on barrel-rolls to put over her ditties. At one point Hines on the floor and quivers for no good reason. Gold.

JUNGLE CLUB N. Y.

Honey Boy Thompson, Frank Newton Orch (7), Lucky Sisters, Loney Lane, John Bell, Sabu, Billie Cortez, The Beachcombers, Billie Griffin, Line (6).

Harlem goes to lower New York east side in the shape of the Jungle Club, a downstairs emporium where

the atmosphere is Lenox avenue and the show one of the rowdiest in town. It's an all-colored production, with a small line, staged by Leonard Harper and, in addition to its Harlem spice, is notable for speed.

The Beachcombers (New Acts) are an outstanding dance team, topping the talent. Male-female combination does an exciting tropical dance that's possibly the last word in madness, with girl taking plenty punishment from her whip-wielding partner. Latter does an excellent characterization of a boss. Lucky Sisters rate as runner-up in buck and other dancing, plus acrobatics. The twain works unacceptably hard and spiritedly.

A sepiu Ann Pennington is snake hip Lovely Lane. She works in a rather daintily-cut costume and does satisfactorily.

Balance includes Billie Cortez, a dancer who pops as well as a special, in which she likens herself to a chair; Billie Griffin, who does a talk session set to music, with Honey Boy Thompson, a dancer who's not over okay and a young lad Sabu, who's not to be confused with the Sabu in 'Elephant Boy' and 'Drums'. He does hard-shoe dancing of fair calibre. Six girls in line.

Frank Newton's orchestra (7) including a pianist who's excellent, is a better dance band than a show band. Char.

LES AMBASSADEURS

(PARIS)

Paris, Nov. 4. Eddie Foy Orch, Aldo Campomadori, Marietta & Rudi, Remy Ventura, Goyita, Herrera with Carlos Montoya, Paolo.

Reopened under a new plan calculated to catch the bigger crowds at lesser prices, Les Ambassadeurs show. In this decorated surrounding it's a good buy. There's also afternoon tea dancing, with Georges Carpentier on the receiving end both afternoons and nights to help the pull.

Topper is Goyita Herrera, Spanish dancer, who shows some artistry and showmanship. Two numbers give ample chance for her to show she can produce and she clicks. Guitarist Carlos Montoya gets by.

Dance team of Marietta and Rudi doesn't have too much on the ball. A slow waltz shows a couple of times. Coco, the parrot, presented by Remy Ventura, catches well here with songs, imitations of animals, laughs and tears. Parrot is extremely well trained and certainly knows best how to show its wares. Paolo, juggler, does the usual with balls and rings and catches well.

Two orchestras, led by Eddie Foy, use a variety of music, including French, turn out good danceable music. He has a good following in this country. The other is Campomadori's Argentine band. Hugo.

Burlesque Review

TROCADERO, PHILLY

Philadelphia, Nov. 11. 'Cherry Blossom Revue' with Sherry Britton, Bobby Morris, Pinto & Della, Nat Welsh, Paddy Chiff, Eddie Kane, June Marshall, Anna Smith Line (14).

Booked, but no longer operated this year by Izzy Hirst, the Trocadero is presently under the management of his wheel with a stock line of 14 gals. 'Cherry Blossom Revue' this sesh, with Bobby Morris leading the comic division and Sherry Britton the rollers, is stronger than most of the recent shows here. Weakness is still in the line. Biz good when caught.

As for fifth that pretty generally depends on the best is the box. Morris, et al., this current sesh hasn't the blue stuff, although there are occasional lapses. Somehow the clean humor of Morris seems to be just as funny, if not funnier, than the vile gags often heard here. As for strippers, line and show, hardly worth of that tag, they're pretty much same as always, revealing practically everything revealable.

Morris works with Nat Welsh, straight and coarse, there are plenty of the same gags that have drawn chuckles, more or less, from burley audiences for years, but these are a flock of pretty new material. One of the best is the sequence with Maxie Kadan and Nat Welsh. Bounding on peace propaganda, and also good, is the 'In the Army' number.

Sherry Britton is really an eye-filling doffer. Tall, dark and handsomely shaped, she's got quite a bit of class, and is an expert at the grind. Her pre-war burlesque is ordinary nasal stuff, but she's enough of a looker to click solidly, regardless. Another looker is June Marshall, a blonde. Only fairish in the old-up, however, and clumsy in getting clothes off. Anna Smith's specialty is strictly bump-and-wiggle, and not so much peeling. Only so-so on appearance. She's pushing up the house temperature.

Vaude is taken care of by Pinto and Della, unblinded ballroom hoofers. P. and P. provide comic music with

NEW ACTS

FRANKIE MASTERS' ORCH (15)

With Marion Francis
30 Mins.; Full
Chicago, Chicago

Always a capable handler of audiences through his long experience as m.c. in the days when stage m.c.s were box-office items, and now with an orchestra that has a strong cocktail character, Frankie Masters leads a ballroom and nitery following throughout the territory. Frankie Masters comes to the Chicago stage, or any stage, with every advantage. He is registering powerfully here and there is no question that he would do as well anywhere. He knows what entertainment is all about; and he has a front gate moniker. It's a sure-fire combination.

With appearance and footlight personality, Masters is a capable audience-greeter. In addition, he has an orchestra that is pleasant to listen to a slow-motion jumble of legs. They're all good muggers and get plenty of laughs in their closer. Should finale, however, with something a bit more on the active side. Cohen.

Masters handles most of the pop lyrics himself and acquires himself creditably on pipes and salesman's band. Band uses a couple of novelty stunts which make for good entertainment. Soloists are Marion Francis, with her heat being a good job. Mathewson, who scores with his triple-tongue trumpeting.

In all, a band that can play anywhere. Gold.

FIVE DOWLING GIRLS

Acrobatic
6 Mins.

Strand, B'klyn. This act is typical of numerous that have been organized of comparatively recent date; a group of five well-appearing young ladies who specialize in fast tumbling and other acrobatic work. The night clubs are proving a fairly ready market for this kind of attraction. This one will do well in that field, as well as in theatres where a short and fast opening act is desired.

Girls, nicely costumed, open with tumbling and go to hand-to-hand work, topped off by some barrel-rolls, with the windup a rope-skip. Their act is being done by others, also. In the latter trick, with two girls handling the rope, the others perform acrobatics, hand-springs and the like. Char.

THE BEACHCOMBERS (2)

Dancing
6 Mins.

Jazz Club, N. Y. This is an unusually spectacular act doing a very rough, but effective tropical Apache, in which the man wields a whip without seemingly hurting the girl. The man handles his partner in a fashion that is almost scary. The girl is taking punishment that should leave her very limp after each performance.

Thought about the dance routine is that of a beachcomber going mad over his Polynesian girl friend through arousing of baser instincts and finally a mild form of insanity in which he makes him kill her. Skillful acrobatics figure.

Man does an excellent characterization as a rotter who temporarily suffers a crazed mind. Char.

SHAG CHAMPS

Billy & Irene Lazzari, Sis Knapp & Sonny Barone
Jitterbug Routine
5 Mins.

Fox Tower, K. C. Double team of teen-agers were trying to do a jitterbug contest at the New York State Fair several weeks ago. Following that they played a week with the Rudy Vallee unit in Buffalo and are currently with Hal Kopp's orchestra.

Four take the stage together, varying their routine between united effort and team specialties. They simulate the arms, whereas a semblance of a contest might lead up to the act. Their work could be improved by more of the routine as a foursome. Lazzari kids have the edge on appearance. Couple are big green on stage presence, but their dancing is fast and furious, which seems to be the essence of shag dancing. Quin.

STEWART SISTERS (2)

Roller Skating
4 Mins.

Stanley, Pittsburgh. Two girls contribute their money's worth in a fast and thrilling session of roller skating. A natural for nitery floors and theatres as well, the two femmes doing everything the opposite sex can accomplish, and doubling it in spades.

Not bad looking, either, which helps additionally. Stewards don't let up for a minute, doing a lot of dangerous pivotal stuff. The topper is a wow, with gals fastened together only by a nose around each other's neck. One girl is an ordinary propeller fashion while circling at a mile-a-minute clip. Although playing here with a Bowes unit, team's obviously been around. Cohen.

guitar and an accordion made from a suitcase. Not exceptional, but good for some laughs. Ballroomologists seem somewhat out of place in bump-and-grind palace, but performance is satisfactory enough. Herb.

3 SMART GIRLS

Acrobatic
6 Mins.

Stanley, Pittsburgh. Latest vaude trend has the femmes going in heavily for the comedy knockabout stuff, so long the exclusive property of opposite sex—Three Sailors, Diamond Bros, etc. Three Smart Girls are new additions to the growing roster and are right up there with the best of them. Young, hard working and are easy enough on the eyes for performers who have no compunction about making themselves look physically ludicrous.

Gals start out as a conventional dance trio, the usual beginning for this type; then they accidentally bump into each other, and the mayhem gets under way. Sitting-down exercises are pretty vigorous, and threesome takes some hard knocks in free-for-all. Wind up doing a slow-motion jumble of legs. They're all good muggers and get plenty of laughs in their closer. Should finale, however, with something a bit more on the active side. Cohen.

JOHNNY MORGAN

Comedy, Songs
23 Mins.

Boulevard Tavern, Elmhurst, L. I. Johnny Morgan is playing his fourth date and 1,000th performance at this nitery. Alternating from drollery to slapstick, Morgan has a kind of sense of timing, some excellent material, including an impersonation of Stokowski conducting the Philadelphia symphony.

Another bit of fine hoking is his impersonation of a comic bit of burlesque, during which he is pushed around while other passengers read his newspaper. He has an ingratiating smile and delivery and m.c.'s a long show. He's the only comedian whose potunes also click strongly. Gibb.

CONKLIN AND THOMAS (2)

Dancing
Eight Mins.; One
Lewistown, N. Y.

Though another team of jitterbugs, pair rate attention for their dressiness and polish. Extremely good-looking m.c. duo are dressed to perfection in bond street version of sharpie rigging.

Deliver only two routines, which are pretty much the same type of show as the other. The pair's awareness of their performance that makes 'em rate. Use slide-shag method for added smoothness. When caught in a bad mood, the pair, talking, dancing and demonstrating some versatility. Okay for niteries as well as theatres. Hurt.

ELISSE COOPER

Singing
10 Mins.

Bandbox, N. Y. A former Dixie (South Carolina), Elisse Cooper, has a pleasingly modulated cotton-country accent and a flair for swing singing. She is at her best in the Elisse DeLange or orchestra as soloist and broadcasts three times weekly for NBC.

Youthful and attractive, as well as peppy, she features old as well as new tunes. Her singing is so good, she lends herself to swing-sing for more melodic effect. Her style is captivating and the showmanship good. Char.

ANAPATO CRUZ

Singing
10 Mins.

Yumuri, N. Y. Anapato Cruz is a singer of Spanish songs with an American touch and a swinginess that sets her apart from the general run. She might be called a Spanish Gertrude Niesen, but she's a lot more than that. Her vocalists. Selling ability points her out for either floors or theatres here. Senorita Cruz returned three weeks ago from South America after touring most of the countries there. She is doing two numbers, a tango and a bolero as a featured specialist of the new Yumuri show. She was added after the opening a couple weeks ago. Char.

Ponder 3 Leasing Bids

For Philly Burley Spot

Philadelphia, Nov. 15.

Decision is being pondered here by bondholders of the Shubert, one-time legit house, as to which of three possible bids for the place will be accepted. Offers have been made to Albert M. Greenfield and Co., agent, for lighting it this season as a burley house, a vaudeville or straight legit.

Bondholders are against the burley idea, for which the spot has been used in the past few years by Max Winner. They feel that this decreases the value of the burley. However, of all the proffered, the only one who has offered the guarantee, demanded in advance, is Izzy Hirst, burley booker. Others, particularly legit producers, want the house, but are unable to put up security to guarantee continuous operation for the season.

LOEW'S STATE, N. Y.

Ruby Zwierling's house orch, Milton Berle, Mabel Todd, Tony Romano, Louis Da Pron, Five Jansleys, Ralph Sanford, Conklin & Thomas; Young Dr. Kildare (M-G).

House has surrounded holdover Milton Berle with more show for his second week. Berle's doing different and still stock, material. Film and rest of acts underwent usual replacements. A new fifty number. Berle is still using much that's old but he manages to keep punching it out fast with a flair that few can match. Does 'Keep It Over There' parody, a la Cantor, as an armistice week salute. Warms up his audience with a trailer (not same as last week) putting the rib on recent gubernatorial race with screen flashes of political figures upon election returns. Finally, he's shown winning a fantastic plurality. From there it's easy sailing for him.

Works with all other acts and adds material to their bits. Before introducing Louis Da Pron, dancer, in deuce, he gets in a slightly blue rhythm blackout. Rest of show is fast and snappy. Da Pron, rummy tapster, works well. Offers some intricate maneuvers while dressiness (tails), polka and looks make turn sparkle a little more than it would otherwise.

Five Jansleys are vaude vets and still stock with their rummy work. Given final laugh touch by Berle in his attempt to essay similar stuff.

Mabel Todd, in from Hollywood, contributes comedy singing. She's one of the lesser events in show. Berle is wrong in stating her first Broadway appearance because she worked at the Roxy two years ago. Formerly with Al Pearce's gang on radio and stage, she's now with Tony Romano for accompaniment on the guitar. He sings a song, too, after she gets through clowning with Berle. Miss Todd's last, 'Alexander's Ragtime Band,' with special arrangement.

Conklin and Thomas (New Acts) dancing duet, close show with help of Berle. He gives them a rummy blackout before their entrance, for which he employs Ralph Sanford, and does a quickie with them for an exit that's fast and smart.

Hurl.

STANLEY, PITT

Pittsburgh, Nov. 12.

Major Bowes' unit with Sid Raymond, Smart Girls, 8 Jitterbugs, Rigoletto, 3, The Three, 3, Lynn Lawrence, Jack Murray, Herman Taubler, Helen Brewer, George Roche, 2 Ickies, Dave Broudy house orch (16); 'Drums' (UA).

Major Bowes' new swing revue is one of the snappiest the gong-ring has sent around in last three years. And many have played here since they first started coming late in 1935.

Chief virtues are youth and speed, unit including almost a dozen turns and jamming loads of entertainment into an hour. The amateur billing is being soft-pedaled, and wisely so, since practically any one of these acts has a pro polish. Dave Broudy's house orchestra has moved to stage from pit to accompany the show, with an unbillied conductor traveling with unit, handing the baton. Sid Raymond m.c. sticking to his usual patter, comments and an occasional joke. All right, but a snappier looking youngster would get off better.

Show gets off to a fast start with the Eight Jitterbugs, four girls and four boys, footing it hot and heavy, and Two Ickies, colored lads on the Mills Bros. style, kick it rolling. Then comes a point, it's a steady succession of talented youngsters with Stewart Sisters (New Acts) wowing on heels of Ickies with their roller-skating and George Roche coming through with a rummy hoofing a la Fred Astaire. He winds up doing a tap on top of his high hat.

For novelty there's Herman Taubler, an older, playing mouth organ, strumming a guitar and bass fiddling with his toes, all at the same time. Three Smart Girls (New Acts) get on with their knockabout, and another high spick, a young, nifty, nice-looking songstress with potent pipes, who should have little trouble finding a spot with one of the better bands. Rigoletto Three, septia boys, swinging opera in special lyrics, hit high, too.

Usual stunt of bringing on an act that appeared only night before on Bowes broadcast is repeated again. This time it's Jack Murray, Brooklyn high school student, who's the show's top click with his band imitations. Using only voice and hands, Murray manages to simulate well the thunders of Tommy Dorsey, Henry Busse, Guy Lombardo and Horace Heidt. Kid's reception after introduction indicates there are still plenty around these parts listening in on Bowes.

Next-to-closing, Raymond brings on a little girl and she tears down the house with some Sophie Tucker shouting and a session of rummy jack hoofing. It's finally said we're something to Raymond and he says 'well, bring your grandma out, too,'

and the elderly dame comes out. After the usual coaxing, even though she's wearing the dancing slippers, the old gal goes into one of those old-fashioned heel-clicking routines. Stunt's always been good and no exception this time.

Finale consists the old with the new and has the kids parading across the stage in Gay '90s regalia for the can-can, foxtro, etc. There's a fast curtain and show closes to whooping applause.

Biz bi

Cohen.

EARLE, PHILLY

Philadelphia, Nov. 12.

Jimmy Dorsey Orch, Andrews Sisters (2), Slim & Stan, Ray McKinley, Lee Leighton & Bob Eberle; 'The Gladiator' (Col).

Earle has one of those rare combats that's 60 minutes of rock entertainment, although exceptionally light in quantity of acts. Stands out boldly against some recent shows which were full of names and talent, but just didn't jell.

Present bill is strictly jive, but can please pretty nearly anyone since Dorsey's 13-man crew provides some of the finest swing arrangements ever to hit the Earle. Band is in the groove with 'Volga Boatman,' 'My Reverie' and 'Flight of the Bumblebee.'

Maestro is strictly a musician. He lacks the showmanship of Brother Tommy and some other front men and is weak as an m.c., but toots a neat clarinet and sax, though.

Band's only show on novelty, attempting only two, both only so-so. First is a burlesque of a sweet band trying to swing 'What's the Reason I'm Not Pleasing,' second, 'Small Fry.' Later is done by Ray McKinley, drummer, and Bob Eberle, warbler with the band. McKinley swells in 'Dusk on Upper Sandusky' drum solo.

Berle's bass one didn't click with the jitterbugs at this catching. They occasionally aired their feelings with shouts of 'swing it.' Actual quality of his pipes, same as Berle. He gives Andrews Sisters, who follow, can hardly be commented on, however, because of a badly rattling public address system when caught.

Andrews are back at the Earle for the second time in four months, highly unusual, but fully merit the encore. Nicely dressed, lookers warbling swing stuff to perfect effect and exhibit considerable showmanship. Particularly forte on arrangements, doing 'Alexander's Ragtime Band,' 'Tulip Time' and a Russian folksong in jive.

Down the Lonesome Road, bad choice. Much better would have been one of their old faves, 'Bei Mir' or 'Joseph.'

Slim and Stan, starting out with bass fiddle and guitar, do 'Flat Foot Floogie,' which they created; 'Tutti Frutti' and other hot ones. Tall, good-looking, colored lads, who play piano and vibraphone with good effect, and also toss in some neat tapping. Forced to beg off.

Band's finale with 'Bugle Call Rag' good but too long for the closing spot.

Herb.

HIPP, BALTO.

Baltimore, Nov. 12.

Horace Heidt Orch, Alvino Rey, Red Ferrington, Agnes & George, Art Carney, King Sisters (3), Larry Cotton, Jean Farney, Peggy Pope, Bernie Mattinson, Charles Goodman; 'Annabel Takes a Tour' (RKO).

Plenty of entertainment on tap here with Horace Heidt's unit going out with a nice mixture of instrumental and stage diversifications. Opening act, a quartet with curtains drawn, gets an audible reception and swingy number by band sends matters off nicely. Lambeth Walk next gives show a lift with King Sisters handling the vocal nicely, then hoofing it with bandmen for amusing turn.

Electric guitar, ably handled by Alvino Rey, leads into a session of 'My Reverie' to sock. Leads ensemble into gleeful arrangement of 'Ave Maria,' a hand-getter, and a decided contrast to 'I Had to Do It,' by orchestra, which is new.

Punchy interlude of hide thumping by Bernie Mattinson, and an Irish ditty handled by Red Ferrington. Heidt goes into a session of bawling, followed by club and ball juggling, good enough and pleasing. Legit handling of the Drinking Song from 'La Traviata' is good & smart. Heidt's 'I'm a Soldier' is a down the femme end of this stint, sells it well.

'Dance of All Nations,' finale, which brings down front most of the outfit for a medley of dances, from the 'Tango' to the 'Trot,' has its moments. Heidt m.c.'s pleasingly throughout.

Biz big.

Burr.

STATE-LAKE, CHI

Chicago, Nov. 12.

Jimmy & Mildred Mulcahy, Riley & Heller, Wilkey & Raye, Mann, Dupree & Lee, Dorn Bros., & May, House Line; 'Vernice' (House Line); 'Broadway Musketeers' (WB).

After five years of successful operation, this week is the final session for Jones, Linick & Schaefer here. On Friday (18) the firm moves into the Oriental on its own, while this house is taken over exclusively by Balaban & Katz.

Finale show is good vaudeville on an easy budget. Topping are Jimmy & Mildred Mulcahy, who after a click stay at the swank Empire Room of the Palmer House. They are class and register solidly with their harmonica dueting and singing. Can play any where.

Last minute switch brought in Riley and Heller for trey-spot clowning and crossfire. Plenty of recognizable material, but audience likes it regardless. Top too, under the tonsils. Opening are Mann, Dupree and Lee in novelty ballroom stuff and good tapping and hoofing. One high spot is a contortion number.

Dorn Bros. and May with some stylized vocalizing and impersonations show plenty of polish. Have to speak away. Knockabout by the kids and Ray end up show. Well-executed and routinized throughout. Biz good at last show Friday (11).

Gold.

STRAND, BROOKLYN

Teddy King house orch, Alan Carney, Three Sailors, Sonya Yarr, Five Dowling Girls, Pert Kelton, Joan Vickers, Lee O'Neill, Midgie Fellows, Three Speeds; 'Road to Reno' (U).

The Strand is trying to steal the thunder of burlesque houses and variety which underplay. It's a daring experiment here this week with Joan Vickers, who's probably amazing many of the theatre's regular customers.

There's an advertising outside suggesting what may be in store within. Miss Vickers, billed at 'Temptation of Eve,' appears about midway in a veil dance, and in a lavender spot down front, in the veil comes off for the finish, when Miss Vickers is shifted to upstage for a spot. She's hands her veil with nothing on but panties.

Show runs a little over an hour and as entertainment rates fairly well. Top acts are Three Sailors, who deliver a well-timed, snappy finish, and Pert Kelton, who was in vaude years ago and since has been featured in films. She's doing seven-minute act, one which includes opening talk, anent, Hollywood, a rhythm tap, trombone solo (not so hot) and the old Chaplin characterization she used to do as a kid, but more effective than she is now. Putting on slouch trousers and adding a cane would vastly help her Chaplin bit.

After Lee O'Neill's brief tap, the Sailors go into action. Stake hole and slapstick leave audience a bit cold at the opening. Their wise-cracking during Sonya's spot, and later, their snappy dance, agree go over well. Miss Yarr does one number in Russian. She hasn't much of a voice.

Rest includes Five Dowling Girls (New Acts), fast tumbling-acrobatic turn; Alan Carney, m.c.; Three Speeds, roller-skating act, which includes the old gag of getting reeled from the stage, including a very fat girl, and Midgie Fellows, warbler with Teddy King's house orchestra. Miss Fellows, away last week to warbler, this time is doing two swing numbers satisfactorily.

Carney m.c.s nicely and clicks solidly with his impersonations. The old Al Smith, however, could be better. His soap-box oratory, including Russian, Irish and Italian versions, sends him across stoutly. Carney came to the stage recently at the Paradise restaurant, N. Y.

Business very good Friday night (11).

Char.

TOWER, K. C.

Kansas City, Nov. 12.

Hal Kemp Orch with Judy Starr, Bob Allen, Sazie Dowell, Mickey Bloom, Paul Remo's Toy Boys, Six Knapp & Sonny Barone with Bill & Irene, House Line; 'Road Demons' (20th).

After a few weeks of variety bills, the Tower reverts to orchestra units, with Hal Kemp supplying the music. This show is a real novelty rather than his band, but the orchestra more than holds its own with a couple of medleys and outstanding support of the acts. Mickey Bloom's trumpet riffs, Sazie Dowell's novelty singing stand out.

Vocaling is also supplied by Bob Allen and Judy Starr. Gal's work is strong on clowning but she would do well to include a straight, peppy song.

Paul Remo's Toy Boys register strongly next to closing. The two mites show well-rounded dancing and acrobatics. Remo is the strong arm. Boys, said to be 17, are about 36 inches tall and have definite audience appeal. Specialty dancing is handled by the shag foursome of Irene and Billy Lazeri, Six Knapp and Sonny Barone. There are in the groove. The Adorable house line, back on stage after a week's layoff, girls doing a jitterbug introduction for the shag act and later precision routine.

Quin.

LYRIC, INDPLS.

Indianapolis, Nov. 12.

George Olsen Orch (10), Imogene Coca, Jimmie Brierly, Phyllis Colt, Turner Sisters (3), Massey & Miller, Joe Carson, Singing Circus, Singing Ensemble; 'Just Around the Corner' (20th).

Appearing at house for the first time, George Olsen starts off with a cycle of band shows with 52 diverting minutes. Maestro takes four minutes to introduce his band at opening, explaining 'music of tomorrow' in verse. Band consists of 10 pieces and Hammond electric organ. Entire cast is onstage throughout, with acts occupying chairs in front of band.

Turner Sisters, harmony trio, sing only 'Alexander's Ragtime Band,' and could work later in bill to advantage. Tom Massey and Joan Miller score well with tap tango, encoiring with 'Dipsy Doodle' and 'Swing'.

Imogene Coca splits her turn into three spots, first a comedy dance and song, 'I Must Waltz,' which is overlong. Does better later on a strip-tease burlesque, also closing show with comedy song with Julie Munson. Latter also does brief comedy hit.

Band shows off style with pop medley, including 'My Own,' with vocal by Hank Russell, organist; 'Josephine,' and 'My Heart Is Unemployed.' Finishes with 'Night and Day' with choral effect by entire company.

Phyllis Colt is standout with her singing of 'Just An In-Between,' 'Make Hey Hey,' 'Small Fry,' and the old 'Green American Home.' Latter good choice for Armistice Day touch. Also appears next-to-closing to join general singing of 'If You Wanna Prove Your Love for Me,' Jimmie Brierly. Change Partners' nicely, and is joined by ensemble for solid comedy sock on special lyrics to 'A-Tisket.'

It's good, Olson carrying own hangings. House full at last show Friday (11).

Kiley.

CAPITOL, WASH.

Washington, Nov. 12.

Nan Wynn, Rolf Holbein, Gil Lamb, Harriet Hootor & Ballet, Phil Lampkin house orch; 'Submarine Patrol' (20th).

Harriet Hootor and 16 ballet girls give this week's show a touch of spectacle, but since they're presented as separate acts, it all adds up to straight vaude. Even though Gil Lamb is available for m.c.'ing, no attempt is made toward revue idea, introductions being made as formerly, from pit by Phil Lampkin, pop maestro.

Opens with gals, minus Miss Hootor, in standard version of the old phosphorescent arms-and-legs harlequin idea, loosely done for sparse appeal. Nan Wynn warbles moderately well, 'Gonna Lock My Heart,' 'So Help Me,' and 'Exactly Like You,' getting fair plaudits.

Rolf Holbein, with 20-foot recitation, while drawing board, goes right into whirlwind routine that picks up show immediately and builds steadily for sock hand. Starts with black crayon, drawing hook and hanging hat on it, the cigar box and taking cigar out of it, followed by bird that flaps wings and whistles. Finishes by getting beer from keg and disrobing himself to clothe twins in baby clothes.

Backdrop goes up on all stage as Lampkin gives elaborate description of what is Miss Hootor's 'Night Flight' number. She has stage to herself throughout, in self-arm spins, in imitation of plane, finishing to nice hand by strutting up incline across rear-stage in front of effectively lined silhouette of crashed mail plane.

Gil Lamb bounces out next to tickle them with hoofing and swell look-at-my-muscles chatter. More patter with Tommy Sanford following straight until Lamb gives youngster stage alone for smooth mouth-organing of 'Toy Trumpet' and 'Hold That Tiger.' Lamb back alone to click with his, with a swaying, the mouth-organ pantomime. Encore brings Sanford on sidestage to play with Lamb finishes with his top acrobatic taps.

Music and troupe provide finale with toe ballet, line leaping low hurdles and working out simple formations in between Miss Hootor's specialties to satisfy. Biz fair.

Craig.

Embassy Newsreel, N. Y.

The hue and cry that preceded the Munich pact in martial Europe is obviously unalterable, despite the more remote possibility of a war on the Continent. For the reels here this week paint a picture whose undertones reflect forcefully upon a world presently practicing peace with acts of war.

It's a seething universe caught by the reels, one that's continuing to arm in the event of an emergency, bent upon reaching a peak crisis that will ultimately result in another world conflagration.

The Nazi victory over the Czechs has its repercussions in that it has fazed Poland, with whom Germany has a cordiale, to demand, and receive, Teschen, which it lost during the war to Czechs when they turned the Slovak Republic over to the Poles' annexation of the territory is shown.

Then, too, there's the United States maintaining its armament program along with the British, and has devised a new type of balloon defense. To round out the program, there's March of Time's 'Inside the Maginot Line,' stout, underground fortress France built to ward off its unfriendly German neighbors in the event of another invasion.

The Far Eastern crisis is also included in the war angle, with the Chinese ambassador to the U. S. giving his country's side. The feeling of unrest is also caught graphically in Jerusalem, where Moslems and Jews are shown in a state of confusion.

Politics, of course, draw considerable space on this program, with the Republican upbeat played up as an important factor. Senators and governors are shown, although Herbert H. Lehman of New York draws the major attention along with the young G.O.P. opponent he defeated, Thomas Dewey. Jim Farley and Tom Hamilton also air their views.

Rest of the program is fairly well-rounded, although sports come more occupy the top spot. Cameramen comes in a couple of accolades in several football games, namely the Wisconsin-Northwestern contest, in which the latter bowed to the Badgers. The anniversary of the first football game, between Rutgers and Princeton, is marked in New Brunswick, N. J., when the latter repeated history in losing to Rutgers.

Ice hockey comes in for much of the sport, with a battle between the opening game of the professional season in Chicago, which the Chicago Black Hawks, Stanley Cup champions, won against the Montreal Canadiens. The humanized treatment of the hunting season opening, with the canny hunting dogs touching a sentimental spark in their trailing of the pheasant.

Sonia Henie is given more than just a mere buildup by Fox, which has her under contract, since Miss Henie is amply able to stand on her own. She's caught her ice show in Hollywood, for more sports, too, there's the Six-Day bike race in Chicago, which just about settles the fact that the indoor sports season is here. Rest of the program is routine.

STATE, HARTFORD

Hartford, Nov. 12.

Gautier's Steeplechase, Frazee Sisters (2), Don Zalaya, Earl & Francis, Noody, 3, The Three, 3, Blanche Calloway Orch with Charles Pharm, Sam Kaplan house orch; 'Gangster's Boy' (Mono).

The State has become strictly a band house, with vaude acts receiving minor billing no matter how good they are. Take away the bands, all it with good strong vaude—and the turnstiles would rust. This week it's Blanche Calloway; next, it's Mal Hallett.

Show opens with a pop medley by Sam Kaplan's house orchestra, followed by Gautier's Steeplechase, a standard dog and pony act. Well received. On next are the Frazee Sisters (2), who are no pleasing arrangement. 'Pocket Money,' 'Dreams,' 'Manakora' and 'Joseph.' Encore with novelty arrangement of 'My Heart Is Taking Lessons' to get away response.

Don Zalaya, next, to kick comedy patter and classical piano playing. With a chart of a human body, Zalaya explains the reaction to various types of music to different parts of the body. Sam Kaplan, playing the violin, and house orchestra assist.

Miss Calloway's crew comes next with a medley of pop. In a jam session several of the instrumentalists get a chance to get before the mike. Charles Pharm, vocalist with his crew, 'The Coquette' and 'Change Partners' to a nice effect.

Earl and Francis, colored, click with their speed and rhythm taps. Miss Calloway pipes 'Haven't I Changed?' and 'The Coquette' and 'Change Partners' to a nice effect. Earl and Francis, colored, click with their speed and rhythm taps. Miss Calloway pipes 'Haven't I Changed?' and 'The Coquette' and 'Change Partners' to a nice effect. Earl and Francis, colored, click with their speed and rhythm taps. Miss Calloway pipes 'Haven't I Changed?' and 'The Coquette' and 'Change Partners' to a nice effect.

Numerals in connection with bills below indicate show; whether full or split week

3 Agatones
 4 Domestica
 Western Bros
 Trocadero Rest
 Elizabeth Welch
 Galt
 Cyril Fletcher
 Heidi Anderson
 Edman
 CAMPDEN TOWN
 Goumont
 Rice
 CLAPHAM
 Granada
 Alien Bros & June
 T. B. Brown
 Earla & Lewis
 Johnson
 EAST HAM
 Granada
 John
 Eddie - Gordon
 8 Winter Sis

GREENFORD
 Granada
 Trolse Mandollars
 HANNESMITH
 10
 Leslie Jeffries 3
 5 BELINGTON
 10
 Keith, Christie &
 Whitlatch & Edm
 10
 Blaise
 Eddie - Gordon
 3 Winter Sis
 Lovelle
 SHERBORN BUS
 Pavilion
 Leslie Jeffries 3
 10
 Broadway
 Lee Donn

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 Keith, Christie &
 Whitlatch & Edm
 10
 Blaise
 Eddie - Gordon
 3 Winter Sis
 Lovelle
 SHERBORN BUS
 Pavilion
 Leslie Jeffries 3
 10
 Broadway
 Lee Donn

Rolly & V Pickert
Marc Ballero
Dutch's
Ralph Cook Rev
Rittman Dancers
Roberta

Lobs Walter Bloom Larry Murphy 4	Bee Palmer Gigs (9) Willows Ray Herbeck Oro Kirby Brooks
<h2 style="text-align: center;">MILWAUKEE</h2>	
Bert Phillip's Pep Babler Oro Ethel Sadel Billy Knack's Donna Lufae Louis Hiler Mary Hoff Nelson Renard Edna Hiler Blutz Palm Garden Eddie South Oro Louis Madson Blue Moon D Davidson Oro Irene Burke Jack	Chateau Club Cawkee Raynor Lor Royal L Sanderson Bert Gilbert Clover Club Webber Oro Ruth Phillips Eva Thornton Margie Kays Eleanor Galli Club Madson Stan Jacobson Oro Zita & Annis Jack

Roberta Roberts	Stanley M.
Misling Bros	Mickey S.
Lola Maree	Thelma V.
Bob Dobbey	Dorothy T.
Bob Hyatt	Millie E.
Pronaph G.	Rail White
Hollywood 6	Limer
Henri Gendron Ore	Barney R.
Club Delila	McG
Evelyn White	George D.
Walker & Walker	Jack Tills
Joan Jay	Chuck Wil
John Oscar	Vivian Lon
Rhythm Willie	Melion M.
Bunny	Phil Chinn
Wells & Butler	Chuck An
Sam Thier	McLau
Charles Isom	Marion P.
Pattello G.	Jack Tays
Red Saunders Oro	Mickey D.
Drake Hotel	Irene S.
(Good Coast Room)	Sammy B.
Ozzie Nelson Oro	Julius Net
Harriet	

Lobs Walter Bloom Larry Murphy 4	Bee Palmer Gigs (9) Willows Ray Herbeck Oro Kirby Brooks
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B'WAY MUSICALS ON UPBEAT

TMAT Approves New Constitution By Slim Margin; Officers Nominated

New constitution of the Theatrical Managers, Agents & Treasurers union was voted in by a narrow margin count Saturday (12) disclosing only 20 votes over the necessary two-thirds majority. Although there are 1,140 members, only 544 voted, the ballots from out-of-town being less than indicated. There were 384 votes for and 160 against adoption.

When the result was verified that the requisite two-thirds in favor of adoption had been recorded, the union immediately proceeded with the nominations for officers and board session being held at the Capitol hotel Monday (14).

Saul Abraham, who replaced Lodewick Vroom when the latter withdrew as TMAT president last spring, was nominated for the post along with Tom Bodkin. Latter is general manager for Jed Harris and the former is g.m. for Eddie Dowling. Union had been headed by the late Theodore Mitchell, who formed TMAT, Vroom going in when Mitchell died.

There are three candidates for the vice presidency: Dan Melnick, treasurer of the Cort; Tom Burke, a ticket broker, and George Ashby, who has been acting v.p. For secretary-treasurer there are John H. McCarron, incumbent, and James J. Murphy, who headed the board.

Two business agents will be elected for the first time, the nominations being headed by the present agents, Hal Oliver and Jack McNevin. Other candidates are Murray Seaman, Sidney Harris, William Brennan and Jerry Flynn.

The board, over which there has been considerable to-do, will have nine nominees on the ballot, but each group will elect its own members instead of the general membership voting for directors as with the other offices. One or two groups named only the number they are entitled to on the board, others naming as many as eight candidates, although only two can be elected. Election will be held Jan. 9.

An inter-union dispute arose last week when the press-agents' group, opposed to adoption of the new constitution, accused the treasurers' group of bad faith. For some reason, the p.a.s asked the ticket men to affirm the agreement accorded the Broadway publicists when they joined TMAT in a body. Treasurers declined signing a formal paper, those at one of many recent meetings of the various groups saying they were not authorized to do so.

Despite the fact that the constitution had been amicably framed after one draft had aroused bitter discussion, it was believed the document would not be adopted. The p.a.s were opposed on the ground that it might disturb their agreement on autonomy, with the Yiddish group voting along with the press group. Stated by opponents that the out-of-town members were also opposed, particularly in Philadelphia, Boston and Los Angeles, but evidently the opposition was not well organized.

Reason for the out-of-towners being reported opposed is the provision in the new constitution whereby a member of one group has the right

(Continued on page 50)

'Roam' Debut Set; Whole Cast to Exercise Tonsils

'Everywhere I Roam,' which Marc Connelly and Bela Blau placed in rehearsal this week, is dated to open at the National, New York, Dec. 19. Play is in 13 scenes, there are around 60 parts and the date spread is from 1840 to the present times.

Understood the casting problem has been something of a headache, since the whole cast is required to sing and half must be able to dance. Understood many of the characters will double.

Larry Hart in Hosp.

Larry Hart, lyricist of the song-writing team of Rodgers and Hart, was admitted to Mt. Sinai hospital, N. Y., Monday (14) morning for observation. He has been ailing for the past several weeks and shifted to the hospital to forestall any complications.

Writer was scheduled to accompany 'The Boys from Syracuse' on its road tour, but was forced to cancel the trip. 'Boys' is currently in Boston, where it closes Saturday (19) for repairs. It's N. Y. opening date, scheduled for Nov. 23, has been set back.

WPA COMMERSH PLANS LOOK COLD

Plans for possible tieups between the WPA Theatre Project and commercial showmen appear to have been shelved. It is believed the protests of the actor-artist and backstage unions against such activities led project administrators to order the matter soft-pedaled. A theoretical contract outlined by J. Howard Miller, assistant to national director Hallie Flanagan, was submitted to Equity, but an expression of opinion as to its acceptability was not made because there have been no further developments in the proposed tieups.

Stated that the colored 'Run Li'l Chillun', Coast WPAer which first aroused the protests, will not be commercially presented. It was planned to turn the show over to managers under a royalty arrangement. First date under that tieup to be in San Francisco. According to information from WPA sources last week, 'Chillun' will remain under FTP auspices indefinitely, including the proposed Frisco date.

CORNELL FOLDS 'HEROD' AFTER 4 ROAD WEEKS

Announcement that Katharine Cornell's 'Herod and Marianne' would not be shown on Broadway and would be withdrawn in Washington Saturday (19), where it completes four weeks out of town, substantiates reports from the several stands that the play was doubtful stage fare. Miss Cornell appears to be more concerned over the disappointment of Fritz Kortner, refugee German actor who was affected by the criticisms, rather than the fact that the play failed to measure up to expectations. Show was due into the Empire, N. Y., next week, house being dark since the closing of 'The Missouri Legend' presented by her husband, Guthrie McClintic.

'Herod' represents a production outlay of \$35,000, but that is not a dead loss, since the show is said to have made an operating profit in each stand. It seems that something was lost from the script when the play was adapted. Known before it reached the boards that the male title part is much more important than 'Marianne', so that probably did not figure in the star's decision to scrap the play. Kortner played 'Herod' any number of times in Germany, where his performances were highly regarded.

Miss Cornell's future plans are not definite, although she may participate with the Playwrights in their fourth production, 'No Time for Comedy', due around the first of the year.

TUNESTERS SHOW BIG D.O. SPORT

New 'Leave It to Me,' with \$27,500 in Five Shows, Pacing List—'Hellz' Fine \$29,000, with 'Angel's' Bright \$27,000

'KNICK' \$20,000

Broadway has a new list leader in 'Leave It to Me,' which opened at the Imperial last Wednesday (9). It was the flouziest premiere of the fall, drew an excellent press and publicity break, followed by capacity business. Takings were \$27,500 for the first five performances, aided by a \$6.60 top debut. On a full week's basis the show can gross \$35,000 and may reach that mark this week.

'Hellzapoppin' was aimed for head position when moving to the Winter Garden, but may not beat out 'Me' there because of the difference in scales. However, last week 'Hellz' was the best grosser with \$29,000, an extra holiday matinee being played. 'I Married an Angel,' which was the leader, eased off slightly, but turned in a fine take, quoted around \$27,000. 'Knickerbocker Holiday' is running fourth among the musicals, with nearly \$20,000 last week.

With two holidays, business in the legions figured to jump, and it did after a slow start and poor election day attendance. Theatres cleaned up later half of the week, which had Armistice Day falling on Friday. New high takes were recorded by most of the leaders.

'Abie Lincoln in Illinois' led the straight shows, with a capacity gate

(Continued on page 51)

Elsie Janis Will Do Sun. Recitals in N. Y.; Opposish for Loftus

After 10 years of retirement from the stage, Elsie Janis is returning for a series of impersonations on Sunday nights at the Lyceum, New York. First scheduled showing is dated for Jan. 22. Former star is en route from her Hollywood home, accompanied by Gilbert Wilson, her husband. They will stop at several veteran's hospitals, in which spots Miss Janis has periodically entertained since she left the stage.

Broadway will probably have opposed impersonators, as Cissie Loftus, who had a successful series of Sundays, also at the Lyceum, has resumed this time at the Vanderbilt under the management of Martin Jones. Last winter Miss Loftus was presented by Bernard Hart, Bill Doll and Joseph M. Hyman, who will handle Miss Janis' showings. There was a verbal arrangement, but no contract, between the trio and the English actress, but no explanation of her switching to Jones's management. Miss Loftus will appear at the Lyceum Thursday (17) for one performance, this being in the nature of a benefit sold by the Mercury Theatre.

Equity to Rule On Jersey Town's Status

Council of Equity has been asked to rule on the claim of J. J. Leventhal, stock company operator, that Woodcliffe, N. J., across the Hudson from New York, is a seven-day town. Showman contends that the township is part of Union City (formerly Union Hill), which has always had that rating, playing not only on Sundays, but twice daily in the days of lurid melodrama.

Several spots on the Jersey side have been seven-day towns for many years, but the scarcity of shows has not emphasized that fact. It appears that Leventhal withdrew a stock at Woodcliffe and seeks to resume if Sundays are permitted. Some mix-up over re-engaging several players is reported having jammed the matter.

Vagueness of Available Touring Shows for '39-40 May Stymie ATC's Road Plans; Concert Idea Up

Election's Poor B.O.

Election Day along Broadway saw fair business at the matinees and a drop in night attendance, ticket agencies claiming it the 'worst' holiday.

Rain and the 'photo finish' victory of Governor Lehman over Thomas Dewey are figured to have kept many people home, listening to the radio reports of the contest.

EQUITY WARNS ON EXCESS COMMISH

Equity has issued a warning to members that those found paying excess commissions to agents risk a fine of \$500, or suspension for one year, or both. This drastic measure follows in the wake of the attempt by the casters to have commissions tilted from 5% to 10%, which was refused. Reports were, however, that a number of actors were slipping agents more than the Equity rules call for.

Casters claim they cannot operate to a profit at 5%. Agents who accept more than the allowed rate are subject to revocation of their permits.

Seven agents whose permits were called in are announced to be: David B. Hampton, Charles E. Morrison, Georgia Wolfe, John A. Schultz, Mrs. Will Roehm, Paul Scott and Michael Myerberg. They were not involved in excess commission matters, but have been inactive in the legit field.

Atlanta Censors Given Broader Powers; May Block 'Tobacco Road'

Atlanta, Nov. 15. What last week went into City Council's legislative hopper as ordinance to prohibit showing of 'Tobacco Road' at Erlanger theatre on grounds of 'indecenty,' came out as 'law broadening powers of local Board of Censors to include professional legal productions.' Heretofore censors have had no say-so about what goes on on local stages unless pictures were part of program.

Censorship board, made up of Sherwood Astin, chairman; Alderman Robert Carpenter and Mrs. Alonzo Richardson, secretary, is scheduled to meet this week to decide what they are going to do about 'Road,' which is slated to open week's engagement at Erlanger Monday (21).

Astin said he saw show in N. Y. and there are undoubtedly a few things in the play running in New York that wouldn't be suitable for Atlanta. I don't know how we will pass on the production,' he declared.

W. F. Winecoff, former lessor of Erlanger, is bringing 'Road' here.

Author Sues S.F. Mgrs. For Unproduced Play

Hollywood, Nov. 15. Louis Lurie and Ralph Pincus, San Francisco stage producers, have sued for \$47,500 damages by Ronald Gerard, author of 'Garden of Weeds,' which plaintiff alleges was to be produced in Frisco and agreement cancelled after three weeks' rehearsal. Gerard alleges the deal gave him an even split of profits.

Plans of the American Theatre Council to become a factor in reviving the road face a setback, principally because there has not yet been obtained a definite outline of attractions available for touring next season. Proposals of ways in which theatre interests out-of-town could be promoted are being discussed, but, until assurances that a sizeable number of shows for touring are secured, it is doubtful if ATC will inaugurate its proposed campaign in stands which have been getting few attractions within the past several seasons and which are said to be show-hungry.

ATC figures on sending field men to the road early in the winter to make tie-ups with civic and other organizations, latter to be asked to subscribe to a season of legit in each stand. Indicated that the proposed start of the campaign was dated too early, since there'll be no fairly comprehensive line on touring possibilities during the 1939-40 period until the present season's production crop is more fully developed.

ATC may adopt an alternative plan of stimulating the road, or revise its procedure on the road. That depends on the adaptability of methods used in the concert field, there being a specialist who has organized over 300 communities for platform and auditorium appearances. Claimed this type of enterprise is highly specialized, with one individual having the inside on hinterland organizations, general idea being the guaranteeing of most ap-

(Continued on page 50)

New Prod. Asks Actors To Put Up \$3 Guarantee They'll Attend Rehearsals

Equity is warning members not to sign contracts nor to tie up with one Walter Braun, who says he has a manager, until he conforms with the association's rules concerning such activities. Attention to Braun was drawn when members reported he required the payment of \$3 from actors to join his 'organization,' said to have a drama school adjunct.

Braun claims he will produce a play called 'Vengeance Is Mine' and that he will conform to Equity rules, but will not unless he posts a bond with the association to guarantee salaries he would not be permitted to cast the play, nor to interview people with the view of engaging them.

Braun gave several answers as to his purposes of collecting coin from prospective players in 'Vengeance,' one being that the coin would apply on their Equity dues or membership applications, also to guarantee their appearance at rehearsals. Reported late last week that two actresses, who paid Braun \$3 each, had complained to License Commissioner Paul Moss, who sent a representative to the man's office. Coin was recovered.

O'BRYEN OF LONDON TO O.O. B'WAY SHOWS

William J. O'Brien, of the London producing and agency firm of O'Brien, Linnit & Dunfee, arrives from London tomorrow (Thursday) to look over the Broadway shows. Figures on acquiring the English production rights to any likely ones.

Besides being interested in the recent London engagement of 'Golden Boy,' the O'Bryen, Linnit & Dunfee firm is currently presenting in the West End 'Goodbye Mr. Chips,' 'Banana Ridge' and a new comedy, 'Quiet Wedding.'

League Analysis of Sales Under Ticket Code May Bring Reforms

League of New York Theatres has made an analysis of brokers' reports of ticket sales under the code rules. Board may make recommendations which may result in changes in the allotments to a number of agencies.

According to the sales figures, some agencies have been getting more tickets for some shows than they can dispose of, whereas one of the principal objectives of the ticket control system is to obtain a wider, or better, distribution than heretofore.

Sales records have been broken down to three-thousandths of one per cent, indicating that some brokers have been disposing of but a small part of their allotments. It would seem that either the managers, or the boxoffices, have not been spotting tickets to the best advantage to the shows concerned. Whether that has been intentional was not indicated, nor whether it is a matter of discrimination.

Most managers take the position that they will sell or allot tickets to whoever they choose, so long as the agencies are accredited as signified by their adoption of the code. League's board, however, questions such procedure and points out that it isn't good business. Possibility has been discussed of inserting in the rules provision whereby agencies will be required to give the managers more exact information when sales are under expectations.

Data on ticket sales for the leading attractions is in two sections, one having to do with the first five rows and the second five, mostly the center sections and aisles of the sides. Principal demand is for locations within the first 10 rows, so that the number of tickets disposed of by the agencies within that part of the theatre is given particular attention.

Sales Mounting

Sales in the agencies is steadily mounting, which means an increase in the amount of money paid the League by the brokers at the rate of 3½ cents per ticket. First four weeks the agencies' sales were around 50,000, reports for the last four weeks indicating that the total would reach 75,000, proving that the season is reaching the fall peak.

Some violations of the code have been reported to have been detected, but no disclosures have been made. Nor has there been an explanation of how certain agencies, which declined to come within the code, are securing possession of good locations. It is assumed that some tickets are secured by diggers at the boxoffices, and others likely dug from agencies which receive regular allotments. Latter brokers still complain they are unable to obtain enough tickets to supply their customers. League figures that realignment of allotments should appease these agencies, and that the increase in the number of premium ticket sales will make for a better season than the brokers anticipate.

Byron, III, Can't Make 'Landscape'; Waldron In

Arthur Byron, Equity's head, under treatment for an ear infection at the Manhattan Eye and Ear hospital, is expected to be discharged this week, but he was forced out of 'American Landscape', due to open in Boston next week. Charles Waldron replaced, planning in from Hollywood for the assignment.

'Landscape' is the third production by the Playwrights.

Cabaret TAC's Opener

Theatre Arts Committee's first regular Cabaret TAC show of the season will be given from 5 to 8 p. m. next Sunday (20) at the American Music Hall, New York.

Included on the bill will be 'Sundae Waltz', a new song by Sam Morgenstern, done by Hiram Sherman; 'Dies Committee', a satirical sketch; 'For Two Cents', a song and sketch; 'Fascist Aviator', a song; 'Hague Over Yorkville', a sketch; 'Lorelei', a song; 'Mi ister of Propaganda', a dance; 'Times Have Changed', a chorale, and 'Chamberlain Crawl', a song and dance number.

FTP Sets Mich. Tour For 'Locked Room'

Detroit, Nov. 15.

Local Federal Theatre project is preparing 'The Locked Room', mystery drama by Herbert Ashton, Jr., for presentation in near future throughout city and suburbs, prior to tour of Michigan.

Tentative itinerary includes towns in which project gave performances last season, Ann Arbor, Lansing, East Lansing, Saginaw, Bay City, Midland and Alma.

CHORINES ASK VOICE ON EQUITY COUNCIL

Acting on a proposal from the chorus branch, Equity is considering the idea of according it representation on the council. It is an alternate plan which, if worked out, would replace that of Equity absorbing Chorus Equity Association, which is a regularly franchised union under the Associated Actors & Artists of America. Under the current setup, however, officers and council of Equity are the same as for the chorus, although the latter's members do not vote on them.

Reason for having a chorus member on the council has not been explained, nor have its proponents made a convincing argument that a chorister would be qualified to vote on matters handled by the senior actors association. Chorus branch membership is quite different from that of Equity, whose members are more or less continuously on the rolls, whereas there are frequent changes among the chorines, a percentage dropping out seasonally and remaining permanently out of show business.

Plan of Equity to absorb the chorus branch has been considered for some time, especially since the Four A's limited that union's activities to the legit stage some months ago. Problem of changing Equity's constitution to make provision for the chorus branch has apparently not been solved. Such a merger would be one of economy for the chorus, since there is plenty of room in Equity's offices and there is no special need of separate quarters for the former, which ran into an operating deficit last season.

However, the chorus association is considerably ahead of the past two seasons because of the upturn in the number of musical comedy productions. It has a substantial treasury surplus, represented by investment in bonds and other securities.

Mapping Dartmouth Summer Festival Plans

Plans for the annual summer drama festival at Dartmouth College are currently being mapped by two committees of Dramatists Guild members. One committee, including members of the Guild council, is working out a basic theme for the festival. It will also huddle with the architects regarding actual designs for the \$1,000,000 theatre-workshop to be built on the campus at Hanover, N. H., when funds are raised.

Other committee, composed of younger dramatists, is studying ways to utilize the festival to help and encourage rising playwrights. List of suggestions will be formulated and submitted to the regular committee. Guild leaders and Dartmouth officials hope to make the festival a dramatic Salzburg of America. Plan will be used for the school's course in drama during the regular term and will be turned over to the Guild for the summer season.

LEGIT IN JERSEY TOWN

Short Hills, N. J., Nov. 15.

'Kingdom of God', by G. Martinez-Sierra, opens the legit season of Frank Carrington's Paper Mill Playhouse tonight. Play is in for two weeks at this 650-seat renovated theatre.

Company comprises local and Broadway talent, with Frances Dorgay heading cast in the Ethel Barrymore role. House also books concerts and marionette shows.

Current Road Shows

(Week of Nov. 14)

'Amphitryon'-Sea Gull' (Lunt and Fontanne), Nixon, Pittsburgh.
'Twelfth Night', American, St. Louis (13).
'Boys from Syracuse' (Jimmy Savoy), Shubert, Boston.
'Brother Rat', Erlanger, Philadelphia.

'Dame Nature', Erlanger, Chicago.
'Flying Gimbards' (Eddie Nugent - Ann Pennington), Plymouth, Boston.
'Golden Boy' (Luther Adler-Frances Farmer), Locust St., Philadelphia.

'Great Lady' (Tullio Carmelini-Irene Bordini-Norma Terris), Shubert, New Haven (15).
'Herod and Marianne' (Katharine Cornell), National, Washington.

'I Am Different' (Tallulah Bankhead-City Hall Aude, Montgomery, Ala.) (14); Erlanger, Atlanta (15-16); Bijou, Knoxville (17).

'I'd Rather Be Right' (George M. Cohan), Paramount, Toledo (14); Victory, Dayton (15); Memorial Aude, Louisville (16); Cox, Cincinnati (17-19).

'Lightnin' (Fred Stone), Chestnut St., Philadelphia.

'Of Mice and Men', Selwyn, Chicago.

'On Borrowed Time', Grand Opera House, Chicago.

'Pins and Needles', Hanna, Cleveland.

'San Carlo Opera Co., Boston Opera House, Boston' (17).

'Shadow and Substance' (Sir Cedric Hardwicke), Forrest, Philadelphia.

'Cornelia Otis Skinner, Aude, Memphis (13); Convention Hall, Tulsa (15); Arcadia, Wichita, Kan. (17); Mundy Aude, Kansas City (16); Aude, Denver (19).

'Susan and God' (Gertrude Lawrence), Harris, Chicago.

'Tobacco Road', Mundy Aude, Savannah (14-16); Cherokee, Augusta (17-19).

'Torchebearers', Curran, San Francisco.

'What a Life', Parkway, Madison (14); Aude, St. Paul (15-16); Lyceum, Minneapolis (17-19).

'Whitecaps', Case, Detroit.

'You Can't Take It With You', Lyceum, Minneapolis (14-16); Aude, St. Paul (17-19).

Equity Skeds 'Nother Informal Confab, but No Major Issues on Tap

Equity has scheduled a discussion meeting for Friday (18) afternoon at the Astor hotel, New York, although there has been some question over continuing such informal gabfests, which started about two seasons ago. So far as the officers know there are no issues to be considered and in light of the year's agreement with the managers not to adopt new rules, no changes in the present contract could be made.

Administration has virtually cleared the decks of proposals, and few matters now appear waiting disposal. Council meetings recently have been brief in comparison to former sessions. Discussion meetings, therefore, were believed to be unnecessary, but Arthur Byron, Equity's president, decided the general membership be given the opportunity to speak its mind. No proposals at discussion meetings are official, but council may consider recommendations from that source, if it so rules.

Expected that the WPA section of Equity will principally be in attendance, same as last season, when nearly all the time at discussion sessions was occupied by federal relief project people.

Engagements

Jane Cowl, 'The Merchant of Yonkers'.

William Challee, 'Rocket to the Moon'.

Laura Suarez, Rosita Ortega, 'Let's Raise the Curtain'.

Philip Faversham, Alice John, Robert Breen, Celeste Holm, Nancy Cushman, 'Cloriana'.

Aubrey Mather, Estelle Winwood, Ben Smith, Derek Williams, Nicholas Joy, George Tobias, Sally Lanner, Horace Sinclair, J. P. Wilson, Dennis Curney, Harold Jones, 'The Bar'.

Raymond, Guy Spaul, Edward Harvey, Le Roy Operti, James Larmore, George Brandt, Joseph Beale, Jess Thomas, Tracy D. Rutledge, Fitzroy K. Davis, Arthur Dudley, Eugene Francis, Carl Cose, Basil Prock, Hobart Skidmore, Jess Wynn, 'Good Hunting'.

(Complete cast.)

Charges of Favoritism, Unfair Practices Hit Chi FTP Project; Pro Mgrs. Burning at Competish

Too Realistic

Oklahoma City, Nov. 15.

Three male members of the Oklahoma U. school of drama, which presented two performances of 'The Drunkard' on the stage of the Warner here Friday (11), displayed their ability to portray barroom drunks so well that they wound up in the city jail. As a publicity stunt the youths entered a Women's Christian Temperance Union meeting and proceeded to imbibe freely from a bottle containing a brown liquid, following which they stumbled around the room, stepping on a few toes and ruffling a few of the milk drinkers' tempers.

A call to the police brought out five huskies, who proceeded to load the two realistic actors up for a free ride. Despite the fact the boys proved they were not drunk and were really only swigging from a bottle of colored water, the ladies of the W. C. T. U. decided that they were disturbers of the peace and should be chastised. They were released when they made a public apology before the assembled ladies.

LEGIT OUT OF QUEENS HOUSE AFTER 2 TRIES

The Queensboro theatre, not far from Jackson Heights, Queens, which has been a white elephant since its building, has abandoned legit after a try under two managements this fall. Most recently Teddy Hammerstein took over the management, but ceased operations after three weeks, during which name players appeared in as many shows.

Hammerstein conducted the legit try in association with the Realty Associates, group which controls the property. Loss in three weeks was \$7,000. Although the Queensboro, which was originally built by Frank Wirth and George Hamid as a vaudeville theatre when the locality was sparsely populated, had built up a neighborhood trade of 300 patrons weekly, it was indicated that the spot's draw was still too limited.

Plays presented by Hammerstein were stock revivals of 'The Circle', with Grace George; 'Night Must Fall', with Douglas Montgomery; and 'The Front Page', with James Rennie. Sylvia Field was in the latter cast, completing the engagement despite the sudden death of her husband, Harold Moffett, several days before the show closed.

Balto Getting Shows

Baltimore, Nov. 15.

Season, slow getting under way because of dearth of bookings, took on considerable emphasis this week with listing of solid lineup to New Year's. 'Golden Boy', due in at Ford's Nov. 21, is chalking up a strong advance sale.

Rest of bookings call for 'Lightnin'', Nov. 25; 'Our Town', Dec. 5; 'Pins and Needles', Dec. 12; 'The Women', repeater here, Dec. 26, all at Ford's. George Abbott's new one, 'The Primrose Path', will open at the indie booked Maryland, Dec. 19.

Pitt Playwrights Active

Pittsburgh, Nov. 15.

Tom Wilmo, local author whose first play 'Ard Nicobe Wept' will open at the Pittsburgh Playhouse Nov. 29, is already at work on a new drama dealing with religious intolerance in foreign lands. 'Niobe' has been submitted to a couple of Broadway producers, Jed Harris and Sidney Harmon, both of whom have indicated they will be on hand for Playhouse premier.

Another Pittsburgh playwright, Elizabeth Curry, has just had her first three-acter, 'Shadow of Truth', accepted for production by Bar Harbor (Me.) Masquers. It opens there Saturday (19) for a run. Author, a sister of George Curry, Stanley the theatre musician, is a junior at nearby Westminster College.

Chicago, Nov. 15.

Turmoil, dissension, charges of favoritism and unfair practices have invaded the ranks of the local WPA theatre project, according to the voiced squawks of non-WPA theatre men and the whispered heartbreak complaints of federal theatre workers here. Operating policies under the new regime of John McGee have caused open resentment on the part of the professional legit theatre operators in Chicago and has brought considerable unhappiness to many WPA theatre workers who, though desperately in need of relief jobs, are no longer certain of continuing with the project.

On the part of the professional theatre in town, there is great resentment against the tactics and practices of the Federal Theatre here in going into competition against the professional shows on a scale which they deem unfair, especially in view of the fact that they themselves are contributing to the support of a federal theatre which is now cutting their throats.

Burnups for the professional theatre men is the handling of the FTP's 'Prolog to Glory', which opened last week at the Blackstone. This show spent a large amount of money in the dailies for advertising and opened at a \$1.65 top, a scale which puts it squarely on a competitive basis with the pro theatre.

Squawk to Equity

Pro workers in the other shows are preparing a bill of complaint to be sent to the council of Equity, the American Federation of Musicians and International Alliance of Theatrical Stage Employees on the grounds that the WPA operations here are biting the hand that feeds them by attempting to out-advertise, out-merchandise the pro theatre.

This complaint would follow the previous squawk entered by local parking lot owners against the WPA for making a bargain deal with the Lydy parking stations near the Great Northern for 'The Mikado' customers. Other lot owners complained that they were permitted to submit their bids for such a tie-up, and that government money was used to publicize the Lydy stations.

There is much dissatisfaction expressed locally because of the importing of 'Prolog to Glory' with a new cast, despite the fact that the local project is now well loaded down with performers who could handle the assignments creditably.

Bitter pill for the local relief workers is that the new policy of the Federal theatre here seems to have completely forgotten the basic purpose of the WPA theatre. People who are in desperate need of aid and who have been subsisting on their WPA relief jobs are now filled with fear that they will be dropped from the rolls and their jobs appropriated by others who are personally friendly to the higher-ups.

George J. Neallans is named by WPA workers as the executive in the local federal theatre set-up who has been most prominent in bringing in outsiders. It is expected that

(Continued on page 50)

Phil Baker to Tour In 'Idiot's Delight'

Phil Baker, who appeared in 'Idiot's Delight' last summer in rural spots, proposes an extended tour in the play. Comedian is said to be backing the venture, posting salary guarantee with Equity and working in outsiders. It is expected that

NEW FLA. WPA HEAD

New Orleans, Nov. 15.
Gerhardt Lindemuller, director of the Group Theatre here for the past year, has been appointed director-producer of the Federal theatre in Jacksonville, Fla.

First production of the Florida project under Lindemuller's direction will be an open-air pageant of 'If Ye Break Faith'.

1905 - 1938

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Third
OF A
Century

B'way Musicals' Upbeat

(Continued from page 47)

of \$21,000; 'Kiss the Boys Goodbye' (8th week) (D-1,387; \$4,400). Business fair, first full week being estimated around \$4,500; somewhat under expectations and attendance this and next week will indicate length of stay.

'The Fabulous Invalid' (Broadhurst) (6th week) (CD-1,116; \$3.85). Classified among the musicals because of frequent numbers in stage cavalcade; business around \$15,000, also means operating profit.

'Tobacco Road' (Forrest) (25th week) (D-1,107; \$1.65). Long stay sticks by virtue of low operating net and no telling how long it will run; around \$4,500.

'You Never Know' (Winter Garden) (9th week) (R-1,671; \$3.30). Due off after another week, with 'Hellzapoppin' moving in; some cut-rate ad, with grosses around \$16,000 estimated.

'Victoria Regina' (repeat), Martin Beck (7th week) (CD-1,214; \$3.30). Announced to close Dec. 17, which will give return engagement stretch of 11 weeks; goes to road for several dates after Christmas; business holds up strongly, \$17,000.

'What a Life' (Biltmore) (31st week) (C-891; \$3.30). With aid of cut rates and two for ones takings went over \$5,500 last week; cast on sharing arrangement with profits pro-rated.

'Where Do You Go From Here?' (Vanderbilt) (1st week) (C-800; \$3.30). Presented by Oscar Hammerstein II and Dwight Taylor; written by William Bowers; opened Tuesday (15).

'You Can't Take It With You', Ambassador (101st week) (C-1,156; \$1.65). Takings somewhat up over previous week; quoted around \$6,000.

date indefinite, what with new attractions sparsely.

'Hamlet', St. James (6th week) (D-1,520; \$3.30). Climbed almost as much as expected, with gross approaching \$19,000. Novel and advance sale as strong as ever; only weakness was Wednesday attendance because of switch to full-length performance.

'Pins and Needles', Labor Stage (51st week) (R-500; \$2.75). Close to full year's run mark and when new numbers go in engagement will be further strengthened; approximately \$6,000 pace but slightly last week.

'The Girl From Wyoming', American Music Hall (4th week). Night club meller got Sunday show section break; faring okay for novelty spot.

WFA
'On the Rocks', Ellyot.
'The Big Blow', Dailoy.

'SYRACUSE' HOT IN BOSTON, \$17,500

'Alie Lincoln', Shubert (5th week) (D-1,036; \$3.30). No extra matinee, yet top takings since debut; capacity attendance throughout last week for \$21,000 total.

'Bachelor Born', Shubert (43d week) (C-1,099; \$3.30). Still on the move; switches next week to Morocco, where it originally opened; \$4,500 estimated.

'Danton's Death', Mercury (3d week) (D-860; \$2.75). Business fair, first full week being estimated around \$4,500; somewhat under expectations and attendance this and next week will indicate length of stay.

'Hellzapoppin', 46th Street (9th week) (R-1,375; \$3.30). Got best money last week by virtue of an extra matinee and holiday prices; rated over \$25,000.

'I Married an Angel', Shubert (8th week) (M-1,387; \$4.60). Leadership contested by 'Hellz' and the new 'Leave It to Me'; run musical slightly under previous pace, with takings of \$27,000.

'Kiss the Boys Goodbye', Miller (8th week) (C-944; \$3.30). New high for comedy leader, which grossed \$18,700; two extra matinees for total of 10 performances last week.

'Leave It to Me', Imperial (2d week) (M-1,468; \$4.40). Indicated new leader of list; great break at premiere with strong press resulting \$27,500 in first five performances and could reach \$30,000.

'Lorette', Longacre (1st week) (D-1,019; \$3.30). Presented by Richard Aldrich, Dennis King, Cedric Hardwicke and Richard Widmark; with Jacques Duval; opens Thursday (17).

'Knickerbocker Holiday', Barrymore (5th week) (M-1,096; \$4.40). Not materially changed from starting pace; with \$20,000 in first week were quoted close to \$20,000 mark.

'Oscar Wilde', Fulton (6th week) (D-913; \$3.30). Also went to new high last week when nine performances were played and the gross was \$18,300.

'Our Town', Morosco (42d week) (D-961; \$3.30). Final week, 2nd performance; were played and the gross was \$18,300.

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'Ringside Seat', Guild (D-914; \$3.30). Presented by Rufus Phillips; written by Leonard Elie; slated to open Saturday (19).

'Run, Sheep, Run', Windsor. Closed Saturday after playing one and one-half weeks.

'Sing Out the News', Music Box (6th week) (R-1,013; \$4.40). Getting good night business; with \$17,000 showing some further improvement; gross over \$16,000; turning an operating profit.

'The Fabulous Invalid' (Broadhurst) (6th week) (CD-1,116; \$3.85). Classified among the musicals because of frequent numbers in stage cavalcade; business around \$15,000, also means operating profit.

'Tobacco Road' (Forrest) (25th week) (D-1,107; \$1.65). Long stay sticks by virtue of low operating net and no telling how long it will run; around \$4,500.

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'You Can't Take It With You', Ambassador (101st week) (C-1,156; \$1.65). Takings somewhat up over previous week; quoted around \$6,000.

BARRYMORE'S PITT B.O. WEAKENS, ONLY \$9,500

Pittsburgh, Nov. 15. Ethel Barrymore's draw isn't what it used to be here, 'Whiteheads' demonstrated pretty conclusively at Nixon last week. Take of \$9,500 was not so bad, and even slightly profitable at both ends, but not within a mile of big grosses star has been accustomed to rolling up in these parts. Mats and opening night pulled it through, first performance having been sold out completely by a benefit and drawing biggest and swankiest audience of year.

Notices were lukewarm, star coming in for fairly generous praise, but some of the reviews were not so warm. They were way off, consistently, star's femme following, bringing the afternoon shows up around par. Small cast and one-act, however, make it an easy attraction to get by.

Nixon has Lunts in 'Amphitryon 38' current under ATS auspices and then runs into its first dark week of season since opened Oct. 3. Thanksgiving week is proverbially one of the best here, but no show is available. House reopens Nov. 28 with 'Pins and Needles' and follows with 'Golden Boy', last definite booking to date.

Estimate for Last Week
'Whiteheads' (Nixon); 2,100; \$2,750. Ethel Barrymore's marquee magic isn't what it used to be around here, but still not so bad, and even slightly profitable anyway. Better part of gross was represented by sellout benefit opening and big mats, evening trade being way off.

Figure was extra good for a split-week attraction, particularly for the first half, which is usually sold, but not up to her usual mark. On her second full week, the 'Whiteheads' (Nixon) (1st week) (D-1,036; \$3.30). No extra matinee, yet top takings since debut; capacity attendance throughout last week for \$21,000 total.

'Bachelor Born', Shubert (43d week) (C-1,099; \$3.30). Still on the move; switches next week to Morocco, where it originally opened; \$4,500 estimated.

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'Kiss the Boys Goodbye', Miller (8th week) (C-944; \$3.30). New high for comedy leader, which grossed \$18,700; two extra matinees for total of 10 performances last week.

'Leave It to Me', Imperial (2d week) (M-1,468; \$4.40). Indicated new leader of list; great break at premiere with strong press resulting \$27,500 in first five performances and could reach \$30,000.

'Lorette', Longacre (1st week) (D-1,019; \$3.30). Presented by Richard Aldrich, Dennis King, Cedric Hardwicke and Richard Widmark; with Jacques Duval; opens Thursday (17).

'Knickerbocker Holiday', Barrymore (5th week) (M-1,096; \$4.40). Not materially changed from starting pace; with \$20,000 in first week were quoted close to \$20,000 mark.

'Oscar Wilde', Fulton (6th week) (D-913; \$3.30). Also went to new high last week when nine performances were played and the gross was \$18,300.

'Our Town', Morosco (42d week) (D-961; \$3.30). Final week, 2nd performance; were played and the gross was \$18,300.

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'Ringside Seat', Guild (D-914; \$3.30). Presented by Rufus Phillips; written by Leonard Elie; slated to open Saturday (19).

'Run, Sheep, Run', Windsor. Closed Saturday after playing one and one-half weeks.

'Sing Out the News', Music Box (6th week) (R-1,013; \$4.40). Getting good night business; with \$17,000 showing some further improvement; gross over \$16,000; turning an operating profit.

'The Fabulous Invalid' (Broadhurst) (6th week) (CD-1,116; \$3.85). Classified among the musicals because of frequent numbers in stage cavalcade; business around \$15,000, also means operating profit.

'Tobacco Road' (Forrest) (25th week) (D-1,107; \$1.65). Long stay sticks by virtue of low operating net and no telling how long it will run; around \$4,500.

'You Never Know' (Winter Garden) (9th week) (R-1,671; \$3.30). Due off after another week, with 'Hellzapoppin' moving in; some cut-rate ad, with grosses around \$16,000 estimated.

'Victoria Regina' (repeat), Martin Beck (7th week) (CD-1,214; \$3.30). Announced to close Dec. 17, which will give return engagement stretch of 11 weeks; goes to road for several dates after Christmas; business holds up strongly, \$17,000.

'What a Life' (Biltmore) (31st week) (C-891; \$3.30). With aid of cut rates and two for ones takings went over \$5,500 last week; cast on sharing arrangement with profits pro-rated.

'Where Do You Go From Here?' (Vanderbilt) (1st week) (C-800; \$3.30). Presented by Oscar Hammerstein II and Dwight Taylor; written by William Bowers; opened Tuesday (15).

'You Can't Take It With You', Ambassador (101st week) (C-1,156; \$1.65). Takings somewhat up over previous week; quoted around \$6,000.

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Chi Legit Eases Off; 'Mice' Annoys Femmes, N.G. \$11,000, 'Susan' Big 19G

'Hour' Bright \$3,500, 'Conjur' N.G. in B'klyn

Brooklyn, Nov. 15. 'Children's Hour', at the Shubert, brought good results. Second and last week. Conjur' N.G. in B'klyn.

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Chicago, Nov. 15. Loop eased off last week despite the presence of several New York hits. Though they smashed 'em on Broadway, the localities didn't seem to find 'em worth the price of admission. Worst headache is the brutal reaction to 'Of Mice and Men', causing plenty of headaches to the American Theatre Society, which has the show in here on subscription.

ATS office is flooded with letters of protest from subscribers, nearly all femmes, complaining that the show is too long, is gathering a fair level under ATS auspices; some of femmes stated they couldn't sit through the show. This reaction has even hurt 'Dame Nature', third show on the ATS list, the bench mark, but it is said that this show will also chill 'em. However, word-of-mouth is indicating to them that the show is airy stuff and play should be built, especially due to excellent party trade arranged by Thoda Crocroft, ATS chief here, for the third week.

Two other opens last week are only fair mazzamakers. 'On Borrowed Time' is gathering a fair level of customers, but may build in the next week or so. 'The Women' returned to town, this time into the mammoth Auditorium, in a top. Started slowly, but is climbing.

One smash in the list continues, with 'Susan and God' accounting for the sell-out. Gertrude Lawrence cracked the line to a new high last week due to the extra matinee for Armistice Day.

Considerable bitterness among legit men over the booking of the 'Prologue to Glory' into the Blackstone Theatre. They feel that bringing this show in from New York, and then plastering the dailies with 100 and 200-line ads is going overboard for a governmental production.

Next shows in are 'I'd Rather Be Right', Auditorium, Monday (21), and 'Whiteheads', which replaces 'Of Mice and Men' in the Selwyn, Nov. 28.

Estimate for Last Week
'Dame Nature', Erlanger (2d week) (1,300; \$2.75). Third show of ATS season got away to a slow start, primarily on reaction 'Of Mice and Men' disappointment to subscribers. Matinee took \$8,000 in initial session, more than 50% of which was subscription coin. Will build in third week on flock of parties sold by Thoda Crocroft.

'Of Mice and Men', Selwyn (4th week) (1,000; \$2.75). Bitter disappointment, with the customers walking out on show as too strong for their stomachs. Catholic element and 'Shadow and Substance' at the Forrest. Both are in for two weeks. Next Monday (21) 'Our Town' makes its bow at the Locust on ATS sub.

'Great Lady', an improved musical show, but still needing repairs, hardly held its own in its second full week at the Forrest (show opened on Friday night previous and so got fortnight and three performances in all).

This week's openings can hardly be called newcomers. One is: Fred Stone's revival of 'Lightnin' at the Chestnut, and the other is a return of last season's dramatic hit, 'Shadow and Substance' at the Forrest. Both are in for two weeks. Next Monday (21) 'Our Town' makes its bow at the Locust on ATS sub.

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Kilgallen's Column Tees Off

Dorothy Kilgallen, girl reporter on the N. Y. Journal-American who won an around-the-world race on commercial planes over Leo Kieran of the Times, is now writing a Broadway column for the afternoon daily. Assignment is the first for a femme writer, her initial contribution appearing Monday (16) under the title "The Voice of Broadway." Latter was the heading of Louis Sobol's column in the Journal before he started writing "Broadway to Everyway."

Miss Kilgallen has been covering news events without special attention to the women's angle. Her most recent feature coverage was the German spy investigation. Journal announced Miss Kilgallen's column with page ads, including an insertion in the Daily News. Eleanor, a younger sister, is studying for the stage.

Pennsylvania Problem

Wonder of Philly city rooms is where places are going to be found for the flock of newsmen, who went to work in Harrisburg for Pennsy's Little New Deal, when the new Republican administration takes over in January. Many newspapermen hold important posts in the present Democratic setup, most of them handling publicity not only for the State, but for the U. S. State Committee as well. Several are on the Governor's secretariat, while others are in administrative posts.

Those affected will include Norman Macaulay, formerly of the Philly Daily News, who's on the Governor's staff; Bob King, of the Philly Bulletin, with same position; Jesse Laventhol, of the Philly Record, Department of Highways' publicity man; John Park Lee, Philly Ledger & Record, Department of Banking; Albert F. Ceres, Philly Ledger, Department of Welfare; Joseph Sexton, Philly Catholic Standard and Times, Insurance Department; Ralph Cropper, Ledger, Labor and Industry Department; Allen Eckman, Ledger, Department of Revenue; John Sullivan, Ledger & Record, chief of the Bureau of Civil Liberties; Tom Shriver, Record, Department of Health, and Jim Tighe, Inquirer, Department of Forests and Waters.

Mark Sullivan's 50th Anni

Mark Sullivan celebrates his 50th year as a newspaperman today (16) with a one-day return to the staff of the Daily Local News of West Chester, Pa., on which he began his career. E. L. McKinstry, paper's editor for more than half a century and who gave Sullivan his first job, will give him an assignment for the day.

Sullivan's anni will be covered by the Philadelphia UP and AP bureaus, with Charles O. Gorman, publicity chief for Doubleday, Doran, publisher of Sullivan's books, helping to spread the news.

From a cub in any country daily, Sullivan has risen to be one of the foremost Washington correspondents and historians. Still can't divorce himself entirely from the sticks, however, and the Mark Sullivan of Washington, D. C., is also Mark Sullivan of Avondale, Pa.

Booksellers' Dinner

Booksellers League of New York will hold the first of its new season dinners tonight (16) at the Aldine Club, with Frank Case, Algonquin host and recently turned book author, Mackinlay Kantor, Daniel Eisenberg and William McFee as guests of honor.

League, which seeks to improve the book trade, holds five dinners a year. Prominent scribblers and other notables are generally invited to the meeting ground for the trade. Elliott B. Macrae, of Dutton's, is prey of the league.

Omaha Tab Expanding

Omaha Post, weekly tab now two months old, will go semi-weekly starting Nov. 22. David Blacker, publisher, hopes to go daily early in 1939.

Pro-Roosevelt Post is trying to cut in on local field, held solely by Omaha World-Herald.

Macfadden Book Co. Expanding
Macfadden Book Co., one of the many publishing enterprises of Bernarr Macfadden, which has published the works of the physical culture exponent exclusively, is taking a flyer with a non-Macfadden book as a feeler for expansion. If it shows any sales promise, likely that the Macfadden Book Co. will go in for general publishing.

Book with which Macfadden will experiment is "These Amazing Roosevelts," written by William L. Sidiger. A family sketch, it's less

than conventional book length and Macfadden will sell it for \$1.

When Macfadden Publications acquired the film fan mag, Photoplay, it also got as part of the purchase a couple of books by Sybil of Hollywood, the pseudonym. Books were turned over to the Macfadden Book Co. for marketing.

Volume on the Roosevelts, however, is the first to be taken by Macfadden as a matter of choice. Will be marketed by Macfadden through the regular trade channels, unlike the works by Bernarr Macfadden, which are sold by mail only.

History of N. E. Storm

Picture book, "New England Hurricane," work of the Federal Writers' Project and published by Hale, Cushman & Flint, of Boston, is one of the fastest and probably most complete documentations of storm damage in America.

When the storm broke, Dr. Frank Manuel, regional director of the project, obtained telegraphic approval of the undertaking from Washington. Immediately assigned project's writers to get complete material, even including verbatim conversations. Material was assembled in the Boston office and within five days an edited manuscript was turned over to the publisher. Rapid publication was further facilitated by use of offset printing process, and 18 days after the storm passed presses began to roll.

Large volume has over 300 pictures and they are to put together the way they follow the path of the storm. Text of more than 40,000 words tells a running story.

Sponsor of the volume is the Poor Richard Associates. Made up largely of New England scribblers, including Booth Tarkington, Van Wyck Brooks, Gladys Hasty Carroll and Dorothy Canfield Fisher.

Smyth Gets North Amer. Review

Publishing activities of J. H. Smyth are expanding rapidly since his acquisition of the mag, The Living Age. Only one to continue with the publication under Smyth is The Lowdown, under way, he's just taken over the publishing and editorial duties of North American Review and, early next year, additionally goes into book publishing under the imprint of Living Age Books.

Unlike the case of The Living Age, North American Review deal is not a purchase by Smyth. It's still the property of the North American Review Publishing Corp. Smyth takes over dual post of publisher and editor, with the mag to be quartered with his The Living Age and The Lowdown.

By this arrangement, John Pell, editor of the North American Review, and practically all of his aides are out. Only one to continue with the publication under Smyth is Joseph Auslander, poetry editor. Charles Angoff, former ed of the Amerimerk, and Quincy Howe, ed for Simon & Schuster, will be contributing editors.

Plans not completely set as yet for the Living Age Books, but will be non-action only, mostly on national and international affairs.

Penn. Pub Goes to Congress

John J. McDowell, publisher of Wilkinsburg Gazette in suburban Pittsburgh, won a seat in Congress at last week's general election, beating another newspaper owner, James L. Quinn, who puts out Bradock Journal. McDowell, a Republican, calls himself the "country editor" and this is the first time he's ever run for national public office. Walter L. Bouve, Jr., copublisher on Pittsburgh Post-Gazette, ran a poor third in his race for a seat in the House, but his independent candidacy took enough votes away from GOP nominee to swing election in that district to Democrat candidate in close fight.

Another Western Pennsylvania newspaperman, Hiram Andrews, editorial writer on Johnstown Democrat, was elected to Pennsylvania state assembly by an overwhelming majority on Democratic ticket.

Sobol, Corum Get New Facts

Coincident with the N. Y. Journal-American signing Dorothy Kilgallen to do a Broadway column from the femme slant, Louis Sobol was given a two-year contract by the Hearst paper. This supplements another pact Sobol has with King Features, for his Voice of New York stint, now a contracted New York letter, in the O. O. McIntyre tradition, and Sobol's own previous Broadway coverage. Some 94 dailies now buy Sobol from King Features.

Bill Corum was another to receive a new two-year pact from the Journal.

NEW PERIODICALS

Startling Stories latest addition to the Standard Magazines string of pulps edited by Leo Margulies. To use science wonder stories, including a novel-length piece in each issue. Publication bi-monthly, as a starter, anyway.

New detective mag, of the so-called true-detective type, being plotted by George Johnson. Title not decided upon as yet, and additional appointments still to be made. Newcomer will likely be out shortly after the start of the new year. Publishing headquarters in New York.

Your Dreams, published by Hugo Gernsback as a companion mag to his Popular Medicine. A bi-monthly with Gernsback also editing. Cyrus Bernstein managing editor, and Anne Crossen and C. P. Mason, associate eds.

Science Facts, new digest mag, added to the chain of periodicals being published by Rodale Publications. Third digest issued from that house, other two, and of recent origin, being Fact Digest and Everybody's Digest. Editor of Science Facts is J. I. Rodale, with Jesse Rodale and Haydees, Norwood as associates.

Strange Romances to make its debut with a January issue. Publisher is Strange Romances Publishing Co., actually a new affiliate of the Dell Publishing Co. West Peterson editing. Publication of Strange Romances may be anything from monthly to quarterly, depending on the new mag's reception.

Three Americas, monthly review of events in North, Central and South America, to make its first appearance around Nov. 15. Edited by Rudolf Matiegic, with Virginia Creed the editor. Originally proposed to call the mag simply Americas, but title later deemed too close to the long-established periodical, America. Three Americas is first publishing venture for its sponsor.

The Champ, weekly, devoted to art of fisticuffs. Published by Peter Vercare, who's also business manager, with Angelo Palange editing. Somewhat larger than pocket size and to sell for a nickel in New York and 10c elsewhere.

Jal Alal News, first mag in this country, and in English, devoted to the recently imported sport. Publisher is Antonio Rodriguez, who is also editing.

George Homestead, new political publication, direct outgrowth of last senatorial election in Georgia, will make its first appearance around Thanksgiving Day. Weekly sheet, whose policies will be formulated along strictly New Deal lines, will be directed by leaders in unsuccessful campaign of U. S. Attorney Lawrence S. Camp to unseat U. S. Senator Walter S. George, who was on purge list of President Roosevelt.

Startling Stories is latest addition to the chain of pulps published by Standard Magazines. Will carry the "Thrilling" label of the Standard periodicals as a companion publication to Thrilling Wonder Stories. Subject matter will be science fiction. Leo Margulies editing.

Michael Estrin Turns Pub

Michael Estrin, advertising exec, is entering the book publishing field as a sideline with the formation of the Progress Book Co. Wants to put out a variety of non-fiction books of varying sizes and prices. Has two in preparation.

Publishing experience of Estrin was gleaned through advertising campaigns for a number of publishers. Sees a good field for specialized books and plans extensive campaigns for his output.

Look's Humor Buildup

Look the picture mag, will build up its cartoon humor and has sent out 12 gag cartoon material. Seeks cartoons and gags for cartoons, also commissioning cartoons to illustrate gags.

Paying \$35 for gag cartoons, \$10 for gags for cartoons, and \$20 for cartoons drawn to illustrate gags. Plan is to use a number of cartoons in each issue.

Comprehensive Work on Copyright

More than ordinary interest to writers publishing those engaged in practically every department of show business is Stephen P. Ladas' work "The International Protection of Literary and Artistic Property," which Macmillan is publishing.

Only work in the English language which gives authoritative information on all questions involved in copyright, it's a tremendous affair in two volumes totaling 1,273 pages. Pointed out by the author that protection of radio broadcasts, films, music, performing rights, printed

articles and the moral rights of authors present innumerable problems. Two volumes by Ladas give as complete a picture of these problems in their international ramifications as possible.

First volume analyzes and presents in great detail international regulations and protection of copyright and related problems on the basis of the International Copyright Convention, Pan-American Copyright Convention and national laws of the various countries.

Second volume gives a thorough exposition of the copyright law in the United States. Law as established by a large body of court decisions is analyzed and discussed critically, with cases cited.

Important section deals exhaustively with international copyright relations of the United States and describes last stages of the movement for so-called accession of the United States to the International Copyright Union. Accession matter has been going on for the past 50 years and analysis of the problems involved gives complete picture of the situation.

Author is a recognized authority on international law and spent five years on his work.

Church's Anti-Dirt Drive Again

Renewal of activities in the Albany Catholic Diocese's crusade against "filth in print," especially on newsstands, is signaled this week with meetings in Albany and Troy at which Bishop Edmund F. Gibbons, member of the board of bishops now engaged in a study of ways and means to make the movement effective on a national scale, is presiding. The new diocesan director, the Rev. Charles Smith, called the meetings, to be followed by similar ones in other cities. The crusade, it is announced, will now progress to "positive means of encouraging the publication and reading of the more desirable type of literature."

Launched in the Albany Diocese last January, the crusade was credited with some accomplishments in checking newsstand sales of pornographic story and picture magazine—more than 125 appeared on the "banned" list. In Albany jail sentences were meted out to several defendants. In recent months, the crusade had not been so widely publicized.

Goldberg vs. Miley

Sol Goldberg, nation's No. 1 football fan and father of Marshall Goldberg, nation's No. 1 grinder, is plenty burned at Jack Miley for latter's article on "Clapping Goldbergs" in a recent Collier's. Miley charged Miley misquoted him broadly, putting subject of article in a 'bad light' in his home town, Elkins, W. Va., and on the U. of Pittsburgh campus as well.

Goldberg prevailed on Chester Smith, sports editor of Pittsburgh Press, to help him out and Smith devoted an entire column last week stating Goldberg's side of story.

Another Hearst Move

The Hearst Corp. of Delaware, in publishing business, has filed its statement in Albany, N. Y., showing a capital stock of \$100,000,000, with shares listed as of \$100 par. Gives New York address at 959 Eighth avenue. Martin Huberth is listed as vice-president.

Setting up of this corporation to carry on the magazine publishing business of the Hearst interests is one of the several separate corporations being presently formed in order to set the Hearst estate in order. By doing this Hearst hopes to be able to leave the bulk of his fortune intact in the event of death.

Prov. Dem. Weekly Folds

Rhode Island Globe, Democratic weekly organ, with a mail circulation of more than 8,000, folded following the defeat of the Democratic slate last Tuesday (9). About 15 workers were ordered to leave.

Sheet started in Providence last June to supply Democratic views, following closing of The Tribune, outgrowth of papers formerly owned by U. S. Sen. Peter G. Gerry and Walter E. O'Hara.

Monthly Westerns

Indication that the western novel is riding to high favor is furnished by the new project of Doubleday, Doran of issuing a monthly series of books of that type under the label of Double-D Westerns. Undertaking will be similar to the same firm's Crime Club mystery books, instituted 10 years ago.

First of the Double-D Westerns will appear early in January, with a new one monthly thereafter. They'll be original stories and sell for \$2.

LITERATI OBITES OF THE WEEK

Frank Frost, 61, editor of the Eskridge, Kas., Independent, died behind the wheel of his automobile while driving on a street in Topeka Armistice night. He apparently died of a heart attack. Frost is survived by his wife, Mrs. Katherine Graham Frost, who aided him in publishing his paper.

Mrs. Adolph Gross, 71, mother of Ben Gross, radio editor of the New York Daily News, died in Birmingham, Ala., Nov. 3.

CHATTER

Rachel Field to the Coast. Hendrik Willem Van Loon a grandpappy again.

Bennett (Random House) Cert back from Spain.

Bruno Lessing home for a spell from his vagabondia.

Joseph Hiller doing research for a book on Captain Kidd.

Milton Rich getting set on a new pamphlet publishing project.

Mel Ruderman doing novel and will call it "Hollywood Visit."

New Yorker reading a profile of Meyer Davis, orch leader and manager.

Bruce Crawford new West Virginia state director of the Federal Writers' Project.

Carolyn Wells has more than 150 books to her credit, 30 in the last 10 years alone.

Meyer Berger back on the staff of N. Y. Times after a brief sojourn at the New Yorker.

Louis Bromfield back from Europe and will join his family, which preceded him to Ohio.

Edna Ferber's autobiography to appear before books covers in February. Entitled "A Peculiar Treasure."

Macmillan has brought out "Professional Writing," by Walter S. Campbell, otherwise Stanley Vestal. Willett, Clark has brought out "A Handbook of Drama," by Frank Huriburt O'Hara and Marguerite Harmon Bro.

Bill Glasses have just cradled a girl. Father an promotion director for Hearst's Sun-Telegraph in Pittsburgh.

Havey Boyle, sports editor Pittsburgh Post-Gazette, has been hospitalized for observation of intestinal disorders.

GOP victory in Pennsylvania will cost Ted Demergas, former Pittsburgh political writer, his job at Governor Earle's private secretary.

Fawcett reducing the price of Mechanix Illustrated from 15c to 10c beginning with the February issue. Will then be the sole 10c mag in the mechanical field.

Two of four existing vacancies in membership of American Academy of Arts and Letters filled by election of Willa Cather and Stephen Vincent Benet at annual meeting.

Muriel Babcock, editor of Picture Play, has gone to the Coast for a lookover of the studios and conferences with Ted Magee, western editor of the Street & Smith mag.

McCord Lowes, who came over from London a month on his honeymoon. Was with a number of New York book firms before taking charge of the London bureau of Readers Digest Assn.

Building and equipment of Telfair, Ga. Free Press went up in smoke Friday (11) just as paper was preparing to go to press with weekly edition. Grover C. Wooten, editor and publisher, said his loss included considerable new equipment recently installed.

Latest additions to the ranks of the New York miniature book publishers are Edmund Grantz and Joseph Starobin. Calling themselves the New Age Publishers, with Grantz as manager and Starobin as editor. Latter was previously identified with a mag called Youth Champion.

Because of a contemplated extension of its publishing activities, Arco Distributing Co. is undergoing a change in name to Arco Publishing Co. Will be indicative of the fact that the firm will concentrate its activities in publishing books, pamphlets and a specialized nature.

National League of American Pen Women, Connecticut Pioneer Branch, will give a testimonial luncheon to Flora Mai Holly Nov. 18 in Greenwich, Conn. Affair will be a token of appreciation for the series of book luncheons sponsored by Miss Holly, whereby residents of Connecticut have been able to meet numerous literateurs.

Some AP switches send Paul Mickelson, of the New York sports staff, to Kansas City as editor of the news bureau there. He succeeds Charles H. Kline, who comes to the N. Y. cable desk looking toward entry into the foreign service. Edwin H. Gooding, of the Albany bureau, becomes Buffalo correspondent, replacing E. D. Fales, transferred to the N. Y. news photo staff.

Broadway

Charles Gray and wife off for Miami.
Alan Corelli is 20 pounds lighter; dieting.
James F. Reilly visiting doctor for ear trouble.
Benny Davis now being managed by Rockwell O'Keefe.
Bide Dudley convalescing from recent molar yanking.

Mack Gordon and Harry Revel in from Hollywood to see the shows.
Ernest McCauley named company manager of 'Glorious Morning'.
Jimmy Strock, costumer, off to Hollywood to be showmaster at Earl Carroll's new niter.

Boris Kaplan, Paramount's eastern talent executive, in Chicago last week for new faces.
Eva Casanova, former actress, now heading theatrical department of Russak's 5th avenue store.

Cotton Club kites W. J. Handy with a nut for its celebration Sunday (20). His 66th year.
Nancy Kelly in from Coast for her first 20th-Fox picture, 'Submarine Patrol', opening at the Roxy Friday.

Alfred Stern, formerly with World's Fair and Music Hall Productions' staffs, has joined Broderick costumeur.
Tum Waller and Herb Berg, of Par's home office publicity staff, fishing off Long Island over the weekend.

Ray Marbe's brother is manager of Lee's Ziegfeld. Marbe has retired professionally and is residing abroad.
Laurence Olivier arrived from Europe last week en route to Hollywood to appear in 'Wuthering Heights' (U.A.).

Jack Robbins back from the Coast this week via the Canal. Jimmy McHugh, songwriter, accompanied the music publisher.
Tom Kearns to hospital with head injuries after accident in exiting a bus. He's a p.a., formerly with WOR and Fanchon & Marco.

Sam Demit, J. J.'s, ticker skipped a beat or two, so he's planning an early succease from business in Miami for a month or so.
Mort Blumstein, Warners' h.o. publicity chief, and Charles E. McCarthy, 20th-Fox drummer, both away on Caribbean cruises.

Bill Conselman, 20th-Fox writer, now back on the Coast after a London visit, will return to Broadway with a play of his own scripting.
Frank Freeman, Jr., back from a hunting trip in New Brunswick, but no deer on mouse through agreement of party not to try for any.

S. Jay Kaufman, p.a.ing the new Harry Richman niter in Delmonico hotel wherein Harry Kaufman may be interested. Opens around Dec. 15. Entire company of 'Hamlet' presented the Eddie Diamonds with a perambulator for son born Friday (11). He's stage manager for the troupe.

Arthur Dreyfus and William C. Kent in from Hollywood Nov. 11 for conferences at Columbia Pict's home-office on their series of 19 shorts for Co. release.
Samuel Lorbers, parents of Herman Lorber, assistant to Joe Unger, eastern sales mgr. for Paramount, celebrate their 50th wedding anniversary Sunday (20).

Ann and Ben Litt, who operate the Hollywood niter, Juan-le-Pins, on the Riviera, now in America on their seasonal visit. Going to Hollywood for the nut for any.
Ralph Rolan back at his New York office for brief stay after more than a month on the Coast as front man for Douglas Corrigan, being groomed for feature production at RKO.

Sydney

By Eric Gorriek

Nell Kelly click for Tivoli in vaude here.
Uni's 'Flash Gordon' has been booked by Greater Union.

Ban has been lined on the Spanish picture, 'Non-Intervention'.
'Hollywood Hotel' revue opens in Melbourne Dec. 24 for Fullers.

Harry Howard will produce a new revue in Sydney for the Fullers.
Will Mahoney touring New Zealand for Tivoli after Sydney season. After a bitter fight, Hoyts returned pic advertising to Daily Telegraph.

Billy Costello, playing Tasmania for Greater Union, follows with Sydney season.
Frank Neil will produce 'Snow White' as panto in both Sydney and Melbourne.

Increase of triples in the nabes causing concern to exhibs content to play duals.
Allan Doone to do a series of Irish shows. First is 'Lucky O'Shea', with Melbourne premiere. Edna Keeley is the leading femme.

Greater Union's theatres made deal with Gaumont-British to supply product. First are 'Strange Beauty' and 'Command Performance' for a Sydney run.
Ken G. Hall, Cinesound producer, on the sick list, is hopeful of mak-

ing a major start shortly with 'Mr. Chedworth Steps Out'. Cecil Kellaway will star.

Phyllis Linquist, eldest daughter of the late Philip Wirth, has been granted a legacy of \$2,200 plus \$16 weekly in place of the \$4 weekly provided under a will.

Sir Ben Fuller completing plans on importation of new legit shows for Antips' presentation early next year. Ice ballet will also be a feature. Knight at present holds an option on site for new Sydney legit theatre.

Pittsburgh

By Hal Cohen

Charlie Kurtzman back on job after battling flu.
Lawrence Welk giving six-year-old daughter squeeze-box lessons.

Dave Rubinoff here visiting his mother. The way to Florida.
Saul Case has joined Yiddish Art Theatre Players here as scenic artist.

Al Kavelin's wife and baby in from New York for short visit with mother.
Angelo Di Palma became grand-daddy for first time day before his 50th birthday.

Hometown comic Bob Carney headlining Casino currently with his two daughters.
Jerry Mayhall going to Chicago next week to see Philly Ballet dance his compositions.

Dorothy Scott gets lead in Tom Wilmot's first play, 'And Niobe Wept', at Playhouse.
Bert Breech, of Ray Herbeck's orchestra, has checked into a hospital for observation.

The Bernie Conroys home from eastern honeymoon and into their New Kensington home.
Dave the piano maestro at the Stanley, dubbed the Pitt jinx. First time he saw Panthers play, they lost to Carnegie Tech.

Chicago

Milton Mayer, of RKO, in town for short visit.
Sandra Kayville marketing a new juvenile picture.

The Dave Wallersteins off to Mexico City for a spell.
Shirley Grey in town for radio warbling following southern theatre tour.

Charles Goetz, of 20th Century-Fox, in town making some screen tests.
Abe Lyman sticking around town for couple of days before heading for southern dates.

Spyros Skouras assembled mid-west Fox theatre managers for party to meet here.
Sam Ward exiting as Federal Theatre press chief to handle independent publicity accounts.

Testimonial dinner for Jack Kirsch, prez of Allied Theatre Owners of Illinois, Dec. 2, at Congress hotel.
Burridge Butler preparing for winter sojourn in Phoenix, Ariz., soon as the new local WLS antenna gets going.

Minneapolis

By Les Rees

W. A. Steffes off on deer hunting expedition in couple of days before heading for southern dates.
Don Buckley among the exhibitor deer hunters.

Richard Carlson, of films, here from Hollywood for visit with parents.
Norman Nelson, Universal book-keeper, in hospital with stomach ailment.

Art Zeulch, head M-G book-keeper, back at his desk following honeymoon.
'Guardman' to be the University of Minnesota theatre's first offering of season.

Jerry Silvers, local indie nabe exhibitor, marching to altar, will honeymoon in Bermuda.
For first time in his 10 years of service at Universal, Fred Pinegar, office manager, was compelled by illness to lay off, a flu attack being responsible.

Cleveland

By Glenn C. Pullen

Rachmaninoff sold out Public Music Hall.
Bill McDermott, Plain Dealer's drama critic, taking up Quilting magic.

Ed Fisher, United Artists rep, raising everything from dogs to chickens on suburban farm.
Edward Markle at Arena with 'Ice Follies' 1938. Jumped in from Hollywood for break-in date Monday (14).

Lloyd Meyers, of Aragon ball-room, released Bert Block from winter contract, when maestro got offer from Claridge Hotel, Memphis, last week. Gene Beecher replacing.

Chief Barker Nat Wolf brought out fresh wrinkle for Variety Club's Christmas party for orphans. Got huge log in which barkers nail cards with their names for every two-bits donated to fund. M. B. Horwitz also staging club raffle to buy 'iron lung' for sick kids.

London

Oscar Homolka back from Paris.
Jack Powell to Oslo for four-weeks with option.

Joyce Bland promising husband to quit stage for good.
Vicki Lister back in London in search for stage play.

'French Without Tears' passed its second anniversary at the Criterion Nov. 5.
Gibert Wakefield spending fortnight in Haslemere to complete new comedy.

Novelist W. B. Maxwell, son of authoress M. B. Braden, left \$25,000 upon his death.
Crescent theatre, Birmingham, scoring success with new version of 'Professor Bernhardi'.

Maurice Browne negotiating with Lee Tracy to play lead in 'The Bowers Touch' by Max Catto.
Ronald Squire claiming percentage interest in 'Room for Two' for having suggested subject matter of play to author.

Sir Robert Vansittart finishing new comedy in south of France, where he's spending first holiday in two years.
Charles Cochran shortly producing 'Schottische', comedy with only four characters, written by Gerard Tyrrell, an actor.

New Lee Ephraim musical, 'Under Your Hat', due at Palace Nov. 24, starring Cicely Courtneidge and Jack Hulbert.
'Twelfth Night' succeeds 'The White Guard' at the Phoenix instead of Cheltenham's Cherry Orchard, as originally announced.

Income tax authorities have agreed to allow Madeleine Carroll to make a film here without taxing her for her earnings.
Stephen Mitchell undecided whether he wants Nova Pilbeam, Vicki Lister or Lilli Palmer to play lead in Hungarian comedy adapted by Ian Hay.

Henry Cotton, ace British professional golfer, will be headlined at the Coliseum week of Dec. 5, when he will offer a demonstration of difficult strokes.
Florence Chumbeos (Mrs. Harry Fostel) has danced lead in 'Babes in the Wood' at the Drury Lane pantomime, which this year is being staged by Tom Arnold.

Pierre Sandrini here to look for talent for his Bal Tabarin, Paris, and also to discuss presentation idea with Sir Oswald Stoll, which may be used for Coliseum here.
Merton Hodge adapting Olive Schreiner's novel, 'Story of a South African Farm', to the stage. Production will be by Basil Dean and Curigwen Lewis will be starred.

Anna Neagle has been invited to be modeled for the exhibition at Madame Tussaud's. She will be included in the exhibition as Queen Victoria in the coronation robes she used in the film.
Vicente de Maudeit, French novelist, has brought suit against Gaumont-British for alleged copyright infringement in connection with the film 'The Man Who Changed His Mind'.

Lew Jackson, head of newly formed Anglo-American Film Co., has purchased 'Flashbacks'. Charles Cochran's reshoot of film oldies, which has been doing business in its West End run at the Palace.

J. B. Priestley played Frank Pettigrew's role in the former's play, 'When We Were Married', when the actor met with motor accident. Author joined British Equity for this, his first stage appearance.

Music Corp. of America has urged Long Track to dust his magic props and return to the show field. Sam as been in retirement for years. Operates two chop ousy restaurants in London and owns a theatre in Shanghai.

Paris

By Hugo Speck

Duncan Sisters to Berlin.
Fritz Willers back to Zurich.
Horace Collins here from Glasgow.

'Gateway' (20th-Fox) opened at Balzac.
Jacques Housin finishes film with Ray Ventura.
Joan Warner set to star in revue to tour Europe.

Two of Richard Strauss' operas to be presented here in spring.
'Vive la Vie', new revue by George Charley, opening at Cou Cou.
Germann, music hall and revue star of former London, seen in Ruth Chanova packing for New York to dance at Metropolitan.

Jacques Rouché celebrating 25th anniversary as director of Opera.
Cary Grant, held in London, seeing town with Georges Carpentier.
Marlene Dietrich and Mistinguett touring the Rue de Lappe together.

'Little Miss Broadway' (20th), called 'Hotel for Sale' here, opened at Rex.
Bruno Walter scheduled to direct 'Fidelio' at Opera during current season.
Tristan Bernard negotiating for

American rights on his sketches and scenarios.
Strauss' 'Three Waltzes' on tour, with Fanny Revell and Robert Ancelin in leads.
Irene Hilda set as second femme lead in new Folies-Bergere revue, niter in rehearsal.

Michel Duran has written new comedy with Albert Willmetz, which Chevalier is considering.
Clare Boothe's 'Femmes' ('Women'), with Jacques Reval as lead, now in rehearsal at the Theatre Pigalle.

'La Terre est Ronde' ('The World is Round'), new play by Armand Salicrout, in rehearsal at Atelier.
Henry Laigue of Clifford C. Fischer's Paris office now booking all acts for Gaumont Paris houses.

Ivan Mousjoukine, former film Don Juan, seriously ill and reported penniless in an Enval nursing home.
Colette Borvelli has now used her voice to dub 13 of Shirley Temple's films, 'Little Miss Broadway' being the last.

Patriotic Plays

(Continued from page 1)

wrights who are working on pieces for inclusion in the series are Paul Green, Merrill Denison, John Farar, Risqueley Torrance and Melvyn Levy. Elmer Rice has said he would like to contribute a playlet to the series and it is also hoped that Eugene O'Neill and Maxwell Anderson may be persuaded to do so.

Venture is sponsored by the Theodore Roosevelt Memorial Assn., the American Legion, various parent-teacher associations and other civic and educational groups. Each author is guaranteed an advance royalty of \$200 for each playlet, but there is little likelihood that any further payment would be forthcoming. While \$200 is rated as a comparatively trifling amount to a professional playwright, the dramatists concerned are doing it on patriotic grounds.

Printed copies of the plays will be priced at 30c. each and will be available to schools and various groups in small communities for performance without royalty. They will be exploited through about 25,000 circulars, which will be mailed out to schools throughout the country and will be listed in the 80,000-odd copies of the Play Service annual catalogue.

The '76 Spirit in '78

Angle of the plan is that most of the cooperating playwrights are identified with the liberal or so-called 'left-wing' of the theatre. However, it is pointed out that the playwrights will not have any political bias other than a strong expression of democratic thought as exemplified in early American history. In that connection it is explained that while liberal and conservative thought differs on current political and economic questions, it is generally in agreement on early U. S. history, as the Revolutionary leaders were the radicals of their day.

Playlets will call for a running time of from about 12 to 20 minutes each and will be designed to require few principals and numerous supports. They will be readied for release in groups of four. While there will be no income from the venture at first, it is thought possible that the plan may open a mass market for historical playlets and may ultimately lead to the use of educational plays for commercial and industrial purposes. In any case, it is figured the playlets will do away with the illiterate junk that has heretofore been available for school shows. Since such performances can rarely afford royalty payments, the works of competent dramatists have never before been available.

Patriotic Films

For the purpose of crystallizing and popularizing in dramatic form the principles of democratic government a new civic organization known as Films for Democracy has been formed and will hold its first conference at the Town Hall Club, New York, Nov. 18.

Organization, headed by Dr. Ned H. Dearborn of N. Y. University, plans to produce and distribute motion pictures on non-profit basis. Samuel J. Rodman, executive secretary, stated that Walter Wanger, Dudley Nichols, F. Walter Long and Fredric March have agreed to serve on an advisory committee to aid in selection of scenarios and in production of features budgeted around \$100,000 each. To make this possible, Films for Democracy expects to obtain services of talent and technicians for much less than regular salaries received by such people.

Funds will be obtained from sponsors and private donations, while distribution will be sought through regular commercial and non-theatrical channels.

Hollywood

Dorothy Jordan ill.
Stan Meyer vacationing.
Irene Rich to Washington.
Archie Marshek to Honolulu.
Jack Chertok laid up with flu.

King Vidor back from London.
Anthony Hughes out of hospital.
Bob Ripley in from New York.
Edward Golden in from N. Y.

Fat O'Brien got in from Bermuda.
Marc Lachman in from Broadway.
Frank Thomas, Sr., laid up with flu.

Sam Coslow back from Manhattan.
Fred Fidler here for commercial film.
Bing Crosby to Frisco for the races.

Charles P. Skouras in from Spokane.
Scott R. Dunlap back from Manhattan.
Paul Glick to hospital with pneumonia.

Edmund Grainger in from N. Y. vacash.
Hal Wallis back from home office confabs.
Thornton Sargent on long-delayed vacation.

Louis Levin to hospital for observation.
Neely Edwards back from eastern p. a. tour.
Culver City Dog Track closes Saturday (19).

Kenneth Earl on crutches with a broken leg.
Luise Rainer gets her U. S. papers Friday (18).
Edward T. Lowe vacationing in Massachusetts.

Wallace MacDonald laid up with eye infection.
George Hood recovering from auto accident.
Gloria Stuart in the interior decoration biz.

Ellen Drew out of hospital after appendectomy.
Wilbur McGaughey recovering from appendectomy.
Richard Lane changed his front handle to Dick.

Helen Kellogg in from N. Y. to gather studies about Hollywood.
Stanley W. Nelson to New Zealand for six months.
Clinton Douglas joined the Joe Rivkin agency.

Willard Mack back to work after Honolulu vacash.
Norbert Brodine to hospital for minor operation.
Fattie Krawlow to spend Christmas in England.

Adolph Ramey and Louis P. Rosen to Honolulu on biz.
Joe Reddy and Wilson Heller in new public relations from Sydney.
Joe Antonio Molino in from Panama to gather studies.

Senator Elmer Thomas of Oklahoma gathering studies.
Ralph Clark resigns from Sydney, Australia, gathering studies.
George Hussey has eight stitches over his eye as result of a fall.

Frank J. Taylor in from Frisco to write many years about Hollywood.
Dorothy Lamour throws the switch to light Hollywood's Santa Claus Lane, Nov. 24.

Clara Bow and Simpson with their Humanities off to Australia, booked to open Dec. 5 on Frank Neil's Tivoli circuit.

St. Louis

By Sam X. Hurst

Henry Hoffman, assistant to Paul Beisman, back to work after illness.
Mrs. H. Davis, Goldconda, Ill., co-owner of Ohio theatre, in serious condition in hospital.

P. D. C. Hamilton, general manager of Arena, postponing five-day appearance of Sonja Henie next week.
Robert E. Alban, new manager of Superior Pictures, Inc., succeeds Alan Rosenberg, who has taken post with Grand National Pictures.

Mrs. Fred Wehrenberg, wife of MPTOA prez in eastern Missouri and southern Illinois, recuperating in hospital from recent operation.
The largest crowd, 27,550, ever to attend an indoor show, held three performances of the Ice Follies, promoted by Earl Redlow, at the Winter Garden.

Singer Midgets passed up a skeddad spot here last week in order to reach Oklahoma City for a p. a. They are en route to Hollywood to work in 'The Wizard of Oz.'

Harry C. Arthur, Jr., v. p. and general manager of Fanchon & Marco interests here, has been made an admiral of the American Air Lines.
Arthur has flown 52,000 miles in one year. Paul Beisman, manager of the American theatre, is another holding a similar honor.

William Feldstein, who recently resigned as manager of local United Artists exchange, to become booker and film buyer for Frisina Circuit of southern Illinois, was guest of honor at party given by Variety Club. Ben Robbins, former U. S. salesman in St. Louis, succeeds Feldstein.

OBITUARIES

STUART DARROW

Stuart Darrow, 71, shadowgraphist, died in Croton, N. Y., week before last of a heart attack. Funeral service and interment were in Owego, where he had made his home until six years ago. In recent years he had been living with his son, William H. Darrow, his only survivor.

Darrow, who earlier was known as Edward Lorette, the Man with the Big Shoes, started in show business in 1883, doing a contortion act with a circus. At the instigation of his wife he changed to his shadowgraph specialty and was a familiar figure on vaudeville bills for many years. He retired two years ago, when his wife died. Since then he has made appearances only at church and other local events in the vicinity of Harmon. In his day he had played practically every vaudeville theatre in this country.

Unlike many shadowgraph artists, he did not use props, getting his effects solely from the disposition of his supple fingers.

CARRIE BRAUNER JORDAN

Mrs. Carrie Brauner Jordan, who would have celebrated her 69th birthday in a couple of days, died in Ridgewood, N. J., Nov. 3. She was known on the stage as one of the Brauner sisters. She was the wife of Edward Curtis Brauner, former theatrical producer, whom she married in Tampa in 1904. She retired from the stage in 1919 to devote her time to her household duties.

In addition to her husband she is survived by a son, a grandson and a sister, Mrs. James Mouston.

FELIX HERMANN

Felix Hermann, magician, known on the stage as Hermann the Great, died in New Orleans Thursday (10) from injuries suffered in an automobile in New York several weeks ago. The New Orleans Brotherhood of Magicians conducted final rites Nov. 11.

He was born Felix Ketchmann in London, taking the name Hermann from his uncle, Alexander Hermann, the first "German" Great, who adopted him and taught him his art. He once performed on all the theatre circuits. In recent years he was on the Federal Theatre Project.

LOUIS MYERS

Louis Myers, 52, secretary of the I. T. O. A. of N. Y. and operator of the Five Borough Theatres Circuit, died last week at his home in Bronx, N. Y. A native of Russia, Myers entered film industry during World War and 10 years ago established his own glass business.

Burial was in Springfield, L. I. Widow, son and daughter survive.

JULES LAWSON

Jules Lawson, 76, theatrical architect, who had a hand in the building of the old French Opera House in New Orleans, Wednesday (9) ended his life by slashing his throat with a razor.

He had been in ill health for several months and ended his life in a fit of despondency. Burial in New Orleans.

FRANK M. TAYLOR

Frank M. Taylor, 71, retired vaude actor, died in New York Nov. 12. He was known on the stage as Frank Farrell-Taylor. He was well known as a blackface comedian and played in numerous Weber and Fields productions as well as in burlesque and on the dramatic stage.

Survived by his widow, also a professional, known as Blanche Davenport.

EDWARD GORDON

Edward R. Gordon, 52, film actor, died Nov. 10 in Hollywood. He was a veteran of the silent pictures and for years an assistant director for Trem Carr.

At the time of his death he was working as an actor for Coronado Pictures. Surviving is his mother.

Dr. ROYAL D. HUGHES

Dr. Royal D. Hughes, 54, founder and chairman of the Ohio State University music department died Nov. 7 at his home in Columbus, O., from a heart attack. He was president of the National Association of Music Educators.

His wife and a daughter survive.

IDA GRAY SCOTT

Ida Gray Scott, 82, former opera singer, died Nov. 7 in Los Angeles. Mrs. Scott once sang before George V. of England and appeared on several occasions with Mme. Schumann-Heink. She sang for many years in Grace Church, New York.

EDDIE CLARK

Eddie Clark, formerly of Clark and Verdi, died in Lancaster, O., Nov. 10, where he had been living with his wife.

Clark had been in vaudeville for over 20 years with Joe Verdi in an Italian comedy act.

STEVEN A. SHOWERS

Steven A. Showers, 72, former motion picture theatre owner at Tiffin, O., died Nov. 7 at his home in that city.

A pioneer in the motion picture theatre business, he retired fifteen years ago.

CLIFFORD RUBLE

Clifford Ruble, 32, dance band leader and musician, died Nov. 4 at his home in Wooster, O., after a brief illness.

His parents, two sisters and a daughter, survive. Services and burial in Wooster.

CHARLES CARTMELL

Charles Cartmell, 56, of the vaudeville team of Cartmell and Harris, died in Freeport, N. Y., Nov. 10.

His wife, Laura Harris, died about a year ago.

AMEDEE J. VAN BEUREN

Amedee J. Van Beuren, 58, long associated with the production of shorts and cartoons, died at his home in Carmel, N. Y., Nov. 12.

Details in the Pictures section.

LOUIS KING

Louis King, 59, brother of John H. Kunskey (King), founder of United Detroit Theatres, died in Detroit last week.

His widow and one son survive.

L. E. ROYSTER

L. E. Royster, 43, was killed Nov. 11 near Dodge City, Kan., when his car was blown off the road by a tornado. Details in the film section.

EDMOND BUMP

Edmond A. Bump, 61, stage and film actor, died Nov. 6, in Hollywood. He is survived by a sister.

JOHN FIELDS

John Joseph Fields, 62, stage and screen player, died Nov. 8 in Los Angeles. Surviving is his son.

GEORGE VALCOEUR

George Valcoeur, 42, died in Tacoma last week. He was a former vaudeville performer.

Mrs. Katherine Zonneville, 70, widow of Michael J. F. Zonneville, Shakespearean actor, died in Rochester, N. Y., Nov. 8. She toured with her husband during much of his 30-year career on the stage.

Staff news commentator, died in Greenwich, Conn., Nov. 11.

MARRIAGES

Ida Lupino to Louis Hayward in Santa Barbara today (Nov. 16). Both are film players.

Gladya Horwitz to Harold Bernstein, president of the Greater Cincinnati Independent Exhibitors' Association, in Los Angeles late this month. Couple will honeymoon in Honolulu.

Victoria Seymour to Henry Wood, in Los Angeles, Nov. 12. He's former film man in Paramount's film developing laboratory.

Marguerite Barnett to Karl Bates, in Akron, Nov. 12. He's announcer at WLW, Akron.

Mary Lange to Francis Kolb, in Pittsburgh, Nov. 7. Bride's former 'Ziegfeld Follies' girl and film bit player.

Louise Small to Richard D. Crockett Nov. 9 in New Orleans. She is former 'Miss America 1934' and in films; he's also picture player.

Virginia Case to Jimmy Monaco, in Beverly Hills, Nov. 15. Bride's a dancer; he's a songwriter.

Edith Dunstan to Nathan Wally, in New York, Nov. 15. Bride is a theatrical designer; he's a figure skater, just closed in the ice show at the St. Regis hotel, N. Y.

He was admitted Oct. 25.

Bills Next Week

(Continued from page 46)

Club Terria
Jack Tester
Ethel Warren
Phil Kestle
Shuttles & Kent
Gongo Club
Bob Freeman
Jeff Thomas
Leslie Gray
Carnegie Ship
Red Billings
Ray Black
Gene Emerald
Halph Lewis
Devines Eagles
Bob Garity
Johnny Gerg
Billy Bear
Red Roberts
Concertina Eddie
Arline
Gloria Gale
Jimmy De Palma
Howard Geiger
Hotel Schroeder
(Empire Room)
Jack Crawford
Joe Wallace
Wilfrid Du Bois
Dorothy Davis
Southern Sils
Tung Ping So
Karl Back's
Seppie Boch
Heine Sturn
Larsen's
Ray Meadows
Lindy's
Rick & Snyder
Log Cabin
Carl Bergman
Miles Club
Blanc & Charne
Janet Reed
Dorothy Davis
Nikki Nickall
Ray Wencil
Jane Hulsey
Peggy Geary
Johnny Davis
Milwaukee
Heien Kaye
Dorothy Hamilton
Variety 4

BOSTON
Brown Derby
Mickey Alpert
Joe Steele
Club Mayfair
Joe Rinas
Gis (J)
Cocoonat Grove
Freddie Craig
Jacques Renard
Allen & Kent
Arlene Wallace
Ethel Sidney
D. Parfith
Gongo
Eddie Deas
Freddie James
Eleanor Johnson
Hazel Dill
Herbie Faye
Crawford House
Ray Phillips
Ona Nette
Mack
Mills & Bubbles
Coley Work
Miley & Andre
Freddie Romano
Sue Pie
Flamingo Room
Bob Hardy
Lynne Sherman
Charles
Layce & Lyman
Frank Fontaine
Toys (2)
Hamburgh
Don Humbert
Alvin
Jimmy Kenny
Johnny Dixon
Hotel Coplay Plaza
(Sheraton Room)
Walter Miller
Merry-Go-Round
Jimmy Ryan
Hotel Bradford
(Penthouse)
Leon Prima
Frank Ward
Benton 2
Ken & Roy Paige
Paul Wink
Hotel Essex
Jack Manning
Mary Burton
Diane O'Neil
Diane Durbille
Barbara Lane
Diane Marshall
Billy Kelly
Alpine Village
Otto Thurn
Robert Warwick
Virginia Warwick
Lee Early
Paul Margaret Aann
Herman Pichne
Avalon
Hy Barron
Nicholas & Sylvia
Bob Marchand
Gladys
Monette Moore
Rosa O'Neil
Jean Arthur
2 Cadets
Plink Moore
Duke Melville
Chateau
Sunny Brooks
Jerry Lane
Gardner Glay
Gloria Glay
Fredrick's Cafe
Tony Emma
4 Deauville
Rosa
4 Parings
Gourmet Club
Louis Clua
Ore
Billy Busbee

CLEVELAND
Hanna Grill
Udell Sils
Gypsy Lee
Lee Ensign
Hotel Cleveland
Gene
Wait Bergen
Hotel Fenway Hall
Walter
Hotel Hollenden
Morrise Brennan
Sara Ann McCabe
Romany 3
Hotel Statler
Dick Barrie
Ray McDonald
Pollard & Martin
Monaco's Cafe
Ted & Mary Tass
Clemens Kent
Jacques Pollack
Mounds Club
Orville and Ore
Jules De Vorse
Jack Webb
Sella Goodie
Southern Tavern
Paul Barton
Don Kaye
Rick Bontemps

BECKMAN IMPROVING
San Antonio, Nov. 15.
Fred Beckman, 74, veteran showman and co-owner of Beckman & Gerry Shows, is recuperating from a serious illness at the M. & S. hospital here.

News From the Dailies

This department contains rewritten theatrical news items as published during the week in the daily papers of New York, Chicago, San Francisco, Hollywood and London. VARIETY takes no credit for these news items; each has been rewritten from a daily paper.

East

'Hellzapoppin' selling tickets up to Washington's birthday.

Bernard Macadden the Fall Guy at the Circus Saints and Sinners last week.

Italy bans use of foreign names for nite clubs. The Florida, Hollywood and like places will have to change monikers.

'Our Town' to give a matinee for the Actors' Fund Friday (18).

Loew's taking in Raymond Massey in 'Drums'. He took part in that British production.

Princeton Triangle club selects 24 students for the chorus of the new production of 'The Night of the White Plains', will lead the dancers and Edgar F. Von Lehn of Brooklyn will be chief chirper.

Clare Boothe has gone to her home in Charleston, S. C.

Maria Gambarelli engaged for the Met. Op. ballet. New dancing group has been assembled with Boris Romanov as ball master.

Yale Puppeters: quit after a single Sunday night at the Lyceum.

Pearl Buck gets the Nobel prize for literature. Worth about \$40,000.

Director of the new Jefferson nickels began yesterday. To replace the Buffalo-Indian combination.

Willie Cather and Stephen Vincent Benet elected to Am. Academy of Arts and Letters. Leaves two vacancies to be filled.

Rewriting 'Lorelei' drops one role, but adds two others.

George C. Gerwing, projects director for FTP in Southern California, to become regional director for FTP in New England and New York State, except New York City.

James B. Ulman, executive assistant to the New York project director, to take Gerwing's place.

Irving Berlin declares mikes out in the new Music Box Revue.

Lupe Velez visited El Morocco in a Turkish costume, with bare tummy, following the opening of 'Leave It to Me' last Wednesday.

Union reports 'Pins and Needles' has passed the \$250,000 gross mark. About half of that was taken in by the local company.

Mercury theatre sold a preview of 'Too Much Scholarship' to the Brooklyn Vassar Club Scholarship fund for tomorrow night. Show unread, so they'll see Claudia Lottus at the Lyceum instead.

El Morocco Club had a small fire Thursday morning. Damage slight and show given that evening.

N. Y. Public Library stages an exhibit to commemorate the 40th anniversary of the Moscow Art Theatre.

Arthur Byron in Manhattan Eye, Ear and Throat hospital recovering from a mastoid infection. Not believed an operation will be necessary.

El Toreador nite club loses its license. Claimed girls were employed to coax patrons to buy liquor.

Nation pictures of U. S. Navy construction were stolen from a car parked in Boston while the driver attended a ball. Secret stuff shown only to army and navy officers. Believed to have been the work of boys.

Two Brooklyn youths with a car and no money for license plates gave the car to a more affluent woman friend. She bought the plates and charges they not only stole the car back, but sent her a ticket for parking on the wrong side of the windshield. That was when she got soft.

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Coast

Brooklyn, at the Monday performance.

Seven money prizes offered for the best amateur photos taken at the Truck Show Sunday.

Society of American Magicians gave a show at the McAlpin last Monday. One of the three annuals open to the public.

George McFarland Milligan, stage manager of the Princeton University Triangle Club, injured seriously Monday (14) when he fell 15 feet from a trap-door in the stage of the McCarter theatre. He was aiding in preparations for a rehearsal of a Triangle Club production.

Small blaze in a ventilating shaft of the New York Herald Tribune hampered, but did not prevent the getting out of the sheet's first edition Monday (14) night.

Coast

Republic won \$50,000 plagiarism suit, filed in L. A. by Philip P. Noyer, who claimed the studio used his story 'The Plumed Knight' in filming 'Arson Racket Squad'.

Dorothy Sebastian, film actress, was found guilty of drunk driving in Beverly Hills. Plea for probation was set for Nov. 23.

Lita Grey Chaplin is defendant in \$4,695 suit by her attorney, Edwin T. Murray, for legal services and court costs in a divorce.

Irene Castle McLaughlin was sued for \$150,000 by Sonya Zaranoff, Hollywood milliner, charging slander.

Roy Rogers, vaude actor, filed suit to restrain Republic from billing Leonard Sly, western film actor, under the name of 'Roy Rogers'. Case comes up Nov. 18 in L. A.

Elizabeth Quinn McGuiness, wife of James K. McGuiness, screen writer, lost a plea in L. A. to have her temporary alimony upped from \$1,000 to \$1,500 a month.

Trial date of Mary Astor's appeal of the Labor Commission's award of \$3,426.75 to Ruth Collier, agent, is set for Dec. 15 in Superior court, L. A.

BIRTHS

Mr. and Mrs. Edward Dimond, son, in Brooklyn, Nov. 11. Father is Maurice Evans' stage manager.

Mr. and Mrs. Charles Lawton, Jr., son, in Hollywood, Nov. 7. Father is Maco cameraman.

Mr. and Mrs. James Wallington, son, in Hollywood, Nov. 10. Father is radio announcer.

Mr. and Mrs. Edmund L. Hartman, in Hollywood, Nov. 10. Father is writer at Universal.

Mr. and Mrs. C. E. Herman, daughter, in Pittsburgh, Nov. 6. Father's board chairman of West Pennsylvania MPTOA.

Mr. and Mrs. Bill Warren, son, in Seattle, Nov. 7. Father is program director at KOMO-KJR.

'Irish Justice'

(Continued from page 1)

same time convince the paying customers-jurors to like effect. There would also be musical entertainment as part of this trial.

An American showman, on a visit here, called it a sort of Tin Pan Alley version of 'Irish Justice'.

No. 2 Suit

A privately published theme song for a long Island resort spot, titled 'It's Always Reminiscent of Tomkamo', is the subject of a copyright infringement suit by Charles McCord, its author, against 20th-Fox Film, and Mack Gordon and Harry Revell. Their number, 'Goodnight My Love' in 'Stowaway', is the basis of the alleged infringement.

McCord contends that his tune was performed by Croesingers, Catskill Mt. resort, where Gordon and Revell allegedly had access thereto. His monetary damage claim is placed at \$80,000, and case comes to bat Nov. 27 before Federal Judge Woolsey in N. Y.

Songwriters are now east from Hollywood on a holiday, and to see the new plays.

Old Enough to Know Better

Milwaukee, Nov. 15.

The suit of 82-year-old Sylvester H. Humble for \$25,000 damages from State Fair Park Inc. over injuries allegedly suffered in a 10c ride on a loop-a-plane amusement device at the fair park, was settled for an undisclosed amount Nov. 12.

WHAT THEY THINK

Jack Haley's Authors
Beverly Hills.

Editor, VARIETY:
Knowing that your fairness weighs both sides of any issue, I am replying to the Harry Conn-Jack Haley letter in a recent Forum.

Conn states that Haley had him in collaboration with four writers ranging in salary from \$50 to \$250 weekly. In absolute truth Conn never collaborated with anyone, preferring to write by himself, and secondly, speaking for myself and without ego, my salary is much higher than the \$250 stated so positively by Conn.

Conn's next assertion is that Haley wants to do surefire old gags, and not the smart (?) material that he writes. Also that the alleged old gags caused Haley to be dropped from the Log Cabin show of last year.

In reference to the old gags, just listen to any Haley show, and judge for yourself whether the material is fresh and new...and in reference to his last show (Log Cabin), Haley left on a Saturday night with a 15 Crossley, and was told that no matter how sensationally he did, the budget only called for a 26-week show.

And was it just chance that only three weeks after the Log Cabin Show closed Haley was signed for a new show, bigger sponsor, better hour and better night? Also how come last year and this year VARIETY gave the show excellent criticism? I bear no ill will toward Harry Conn, but think his attack on Haley's writers both as to their salaries and capabilities, unfair.

Hal Fimberg.

H. B. Franklin on the Drive
New York.

Editor, VARIETY:
I know that you want to be fair and therefore I am writing about the article that appeared in connection with the Motion Pictures' Greatest Year campaign in last week's VARIETY.

On page 6 you print a story, most of which concerns criticism by small exhibitors in regard to the Movie Quiz feature of the campaign. Yet the article points out that the exhibitors who squawked most proposed a resolution to petition an extension of the campaign to include the month of January. If the contest feature is such a bust, why should anybody want it extended?

In another article on page 7, speaking of the campaign for the forthcoming year, mention is made of the many subsequent theatres who joined in the current drive. The fact is that the independent exhibitors are way over the \$250,000 originally set for them.

We appreciate the splendid co-operation that you have given us in the past and we do feel that an industry effort to promote good business for everybody is entitled to your kindest consideration.

One of the many outstanding purposes was accomplished, in winning a highly critical press to one of friendliness and support for the industry. Within the period of a few short weeks the whole-hearted co-operation of the press was secured throughout the country, as expressed in close to 650 editorials, many co-operative newspapers and innumerable special sections—many of these by newspapers that had not previously given motion pictures their best co-operation.

As result of the campaign, in which every important first run theatre in the country and most of the important subsequent runs participated in the greatest revival of showmanship in years, the American public has once more become picture-conscious.

Columnists and commentators are now constructive in their attitude towards the motion picture industry. The 'loose talk' within the industry has been stifled and a general note of true optimism has replaced the dire outlook that existed previous to the campaign. Once more the industry enjoys the high prestige that took years of hard work to achieve.

If for no other reason than that mentioned above, the campaign has been overwhelmingly successful. As to what the campaign has done for boxoffice receipts, no one at this time can accurately give an opinion, but comparing the position of the industry with that of several months ago, your own boxoffice reports indicate a terrific increase which compares favorably with that of last fall, when the industry still enjoyed a prosperous boxoffice.

It is to be expected that in a

campaign represented by so many diversified interests that there will be some dissatisfaction, but it is a fact that no criticism has been made to date by any important exhibitor. The only complaints have come from a few disgruntled ones, and their chief complaint has been that they will not receive a sufficient number of pictures during the contest to enable them to participate properly. It is a case of the tail wagging the dog!

While it is too early to judge, contestants are sending in their booklets in an ever increasing stream, even though the contest does not close until Dec. 31.

There have been mistakes in this campaign, but on the whole the effort was a very constructive one and I believe that it is to the advantage of everyone who is even remotely connected with the industry to encourage and sustain its objectives, and I hope you agree with me.

Harold B. Franklin.

Basie on His Own
New York.

Editor, VARIETY:
I'm generally believed, I admit, that Benny Goodman, whose affairs, on behalf of Music Corp. of America, I happen to administer, has a 'piece' of Count Basie, the colored band. Although repeatedly denied by both Goodman, myself and MCA, which is booking this colored swing band, the legend has now reached proportions where VARIETY also seems to believe it. At least an item last week would tend to indicate that.

Goodman's interest, as well as mine, in this great colored band is frankly fraternal and, in all modesty, rather altruistic, because we both have been lightning enthusiasts about MCA thinks so much of Count Basie that it broke an agency policy, it being the first colored band under our management.

Willard Alexander.

Halliburton's Junk
San Francisco.

Editor, VARIETY:
In your issue of Oct. 26 you comment that Richard Halliburton's trip from China to the U. S. in a Chinese junk 'has fizzled out.' Because of your deserved reputation for accuracy, I know you will be happy to learn that Mr. Halliburton's trip has done no fizzle, but to the contrary is basking in very healthy rays.

Mr. Halliburton sailed from San Francisco Sept. 23 on the President Coolidge and is now in Southern China outfitting his junk, the Sea Dragon, for his Pacific crossing. Three Dartmouth boys, Robert Chase, John Potter and Gordon Torrey, and George Barstow of New York, left San Francisco about 19 days ago. They will join Halliburton about the return voyage with him on the junk together with some Chinese seamen. Among the items that make Halliburton's forthcoming crossing noteworthy are—he will perform his job in midwinter, and he plans to make the trip by way of the Pan-Pacific Chinese Clipper, a 9,000-mile route never before traveled by a small boat to our knowledge. Halliburton will leave China between Christmas and New Year's and hopes to arrive in San Francisco early in March.

I might add a few more words about the trip, as they may be news to you. Halliburton's junk will be on display at the Golden Gate International Exposition's Treasure Island, in San Francisco Bay, throughout the duration of the Exposition. Halliburton will write articles on his junk crossing for Bell Syndicate. We hope to have powerful shortwave radio telephone and telegraph transmitters aboard the junk; if we do, we will probably be able to keep in pretty close touch with the living rooms of America. We are conducting two very interesting sales propositions in conjunction with the crossing. I enclose folders that fully describe these. As you see, one endeavor deals with a series of seven letters which Halliburton will dispatch from seven Pacific ports, and which sell for \$5. The other deals with a souvenir envelope which Halliburton will autograph, mail through a Chinese post office to the addressee, bring across on his junk and mail out from the U. S. Post Office on Treasure Island. These covers sell at \$1 each. Both the covers and the letters are going over very nicely throughout the country.

John Masterson, Executive Secretary, The Halliburton Trans-Pacific Chinese Junk Expedition, Inc.

Della Lind's Picture
Boston.

Editor, VARIETY:
Although I saw the Casa Manana show wherein Lou Holtz announces Della Lind as having been contracted by Metro, but never making a film, that's not strictly so. Your reviewer seemingly accepted the m.c.'s announcement literally.

Miss Lind was in 'Blockheads' with Laurel and Hardy, but perhaps that's practically not appearing in a film.

Pat Russell.

Powers Going Strong
New York.

Editor, VARIETY:
In the Nov. 2 column, '15 Years Ago,' you quote: 'Burns and Allen at the Riverside, N. Y., and not getting very far with their patter. Bert Lytell and Powers' Elephants helped.'

I wonder whether you know that the Powers' Elephants are still going strong on the road and have performed at some of the big theatres here in New York in the past year, including the Roxy. The New Yorker of July 16, 1938, told the marvelous story of these elephants, whose history is almost a history of vaudeville in modern times. I should think many old-time vaudevillians would like this news.

Harry Weinberger.

Sagall on Scophony
New York.

Editor, VARIETY:
I read with considerable interest your story in the Nov. 9 issue of VARIETY on Scophony Television.

I am sure that you will give me an opportunity to correct a few inaccuracies.

The story says that 'Scophony's television is based on the mechanical scanning system, familiar to this country also.' Scophony is based on entirely novel methods of optical scanning, utilizing a 'storage-of-light' principle, which is a fundamentally new development. Scophony is getting the maximum advantages of its optical scanning methods by employing some moving mirrored bodies. There is as much relationship between the Scophony method and the old mechanical scanning method 'familiar to this country' as there is between a horse-and-buggy and a modern high-powered car.

The Scophony receivers can definitely receive the transmissions proposed to commence next spring from the National Broadcasting Co.'s transmitting studio in the Empire State Building and from the Columbia Broadcasting System's transmitting studio in the Chrysler Building. No alterations or modifications are required for that purpose in the transmitting equipment of the NBC or CBS. All that will be necessary on the part of the transmitting stations is simply that the synchronization signal to be radiated should be regular and steady.

When the British Broadcasting System commenced their television transmissions about two years ago, it was found that the synchronization signal was erratic and phase-shifting, and consequently was not suitable for a scanning system possessing inertia, such as the Scophony system. Accordingly the British Broadcasting Co. took steps to stabilize the synchronization signal which resulted in steadier pictures, not only on Scophony receivers, but also on all other receivers—i.e., the cathode-ray tube receivers.

I have no doubt whatsoever that the leading American concerns interested in the field of transmission equipment will do their very best in their own interest to radiate steady synchronization signals. Also, I have no doubt that the Federal Communications Commission will adopt a specification of television standards which will insure steady signals making possible satisfactory reception by any known method of television, in the interests of furthering this young art.

The writer of your article says: 'Just who would pay the cost for such realignment here was not revealed.' I can reassure you on this point. The total cost of a Scophony type of synchronization generator is really insignificant and will not cost more than a few thousand dollars.

No television company in England has as yet started mass production of television sets. Prices of sets are consequently the far, based only upon small quantity production under workshop conditions. Estimates of cost under mass production methods prove that a Sco-

Probable Football Winners And Proper Odds

(November 19)

By NAT KAHN

GAMES	WINNERS	ODDS
Arkansas-Mississippi	Arkansas	Even
Army-Francis	Army	7/5
Auburn-Georgia	Auburn	13/5
Sa. Methodist-Baylor	Sa. Methodist	Even
Stanford-California	California	13/5
Syracuse-Columbia	Columbia	Even
South Carolina-Fordham	Fordham	13/5
Harvard-Yale	Harvard	2/1
Indiana-Purdue	Purdue	2/1
Nebraska-Iowa	Nebraska	9/5
Michigan-Ohio State	Michigan	6/5
Temple-Michigan State	Michigan State	7/5
Minnesota-Wisconsin	Minnesota	5/7
Notre Dame-Northwestern	Northwestern	1/2
Washington-Oregon	Washington	2/1

(Predictions Based on Fair Weather)

JAI ALAI TO REMAIN AT N. Y. HIPPO INDEF

Jai Alai will remain indefinitely at the Hippodrome, N. Y., the three months' contract having been renewed. Hipp will not be confined to the Spanish sport, however, and starting early next month other attractions will be staged there; the 'hi li' scheduled to be curtailed to four nights weekly. Despite the limited capacity because the fronton (court) will remain intact, fight shows will be held weekly.

The spot has been breaking even on operation but the sponsors of jai alai figure that it will take a year or two to popularize the sport, as was the case of ice hockey at Madison Square Garden. Also figured that if pari mutuels are legalized in New York jai alai would be a clean-up, an effort to be made to include competitions other than horse racing in the proposed betting system.

Announcer George Christie quotes the odds as the point score changes during the contests, that being an interesting feature of the evening. There is quiet wagering in the audience but the general impression is that the draw of jai alai would be considerably strengthened if open betting is allowed. Venture is in the red because of the cost of installing the fronton. By reducing the number of exhibitions, a boost in patronage is expected.

Barnes-S-F Train Fire Routes Show People

Atlanta, Nov. 15.

Explosion of a gasoline heater aboard a car of sleeping car in A. G. Barnes-Sells-Floto circus train in early morning hours of Nov. 9 resulted in severe burns to a performer and fire damage estimated at \$6,000 by circus officials. Blast occurred as train was preparing to pull out for Anniston, Ala. Sleeper was occupied by 20 performers, members of Catherine Flavers, barbers, riding troupe, who had already retired. So hasty were their exits, most of them lost all of their clothes and personal belongings.

Damaged car was left in train, which was delayed an hour by blaze, but show filled its Anniston date okay.

Private Fair

Lynchburg, Nov. 15

J. I. Palmer of North Carolina, has leased the Radford, Va., fair grounds and will sponsor an 'agricultural and livestock exposition' there in the fall of 1939.

Eleanor Holm's Workouts

Miami Beach, Nov. 15

Eleanor Holm Jarrett last week got down to serious training for the part she will play in New York World's Fair Water Carnival to be staged next summer by Lily Rose. Olympic aquatic champ, guest of Mrs. Ben Bernie, has scheduled two workouts daily at a pool here.

phony two-foot receiver could be retained at about \$300.

In conclusion, I appreciate the paragraph in your article that the 'principal favorable point about Scophony is that it produces a good picture.' It certainly does.

Solomon Sagall.

WHITEHEAD TO STALK CARNEYS

Chicago, Nov. 15.

Carnival division of the American Federation of Actors expects to reach its high peak for the year in the signing of new pacts during the National Association of Fair Secretaries convention to be held here starting Nov. 28. This meeting will be addressed by Ralph Whitehead, executive chief of the AFA, who has been personally invited to the convention for the purpose of presenting a national picture of the AFA campaign to the carnival owners and general agents.

At least 27 important carnivals are figured to join the 10 shows which have already signed the AFA agreement since the outdoors show drive was instituted in October. AFA itself has already 500 new members on its rolls from this branch of the entertainment world. AFA will maintain quarters in the Sherman hotel here during the convention.

OKLA. CARNIVAL MAN SLAIN; 1 HELD, 2 SOUGHT

Americus, Ga., Nov. 15.

Clifford C. Jewell, 35, of Tulsa, Okla., concession manager of West World Wonder Shows, carnival exhibiting here at Sumter County Fair, was murdered near here Nov. 11. State patrolmen, who found Jewell's body shot through heart and head, declared victim's wife told them her husband had more than \$2,000 on him when he left Americus. Officers stated they found only \$22 on him and that his wallet was missing. However, a diamond ring, a stickpin and watch were found on body.

Jewell's body was found about three miles north of neighboring town of Smithville lying in his car. Coroner's jury returned verdict that showman came to his death by pistol wounds 'at hands of person or persons unknown.'

It was reported that Jewell had won a large sum of money in a dice and poker game on carnival grounds last week. State patrolmen Saturday (12) reported they had jailed Garland Sewell, 21, of Villa Rica, Ga., a carnival attache, on suspicion charges and were said to be seeking two others, one an ex-pugilist, both connected with the carney.

Gets 30 Years

Wichita, Kas., Nov. 15.

Eldon Morris, 33, carnival wrestler, was sentenced by Judge Robert L. NeSmith in district court to serve 30 years in the Kansas state penitentiary.

Morris pleaded guilty to a charge of second degree murder growing out of the fatal shooting April 9, 1933 of James Drake, Wichita business man, during an attempted holdup here. He was returned here from Sibley, Ia., to face the charges.

Looks Bad for Roch.

Rochester, N. Y., Nov. 15.

Rochester Exposition and Monroe County Fair faces uncertain future with failure of County Manager to include in budget usual \$10,000 ante. Expo association had asked for 15 grand.



Milton
BERLE

Held Over—2nd Week
Loew's State, New York
Nov. 10th—(with a *change*
of picture and an entirely
new show) as a result of
the first week's gross—
an unusual - **\$38,000**

•
Palace, Chicago—Week Nov. 18th

Exclusive Management



Est. 1898

WILLIAM MORRIS AGENCY
INC.

New York • Chicago • Hollywood • London

NOV 23 1938

RADIO

SCREEN

STAGE

VARIETY

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25¢

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NEW YORK, WEDNESDAY, NOVEMBER 23, 1938

56 PAGES

HOLLYWOOD'S 'TOUCHY' PIX

John Mason Brown's Capsules

John Mason Brown, critic of the N. Y. Evening Post, took current Broadway shows and players for a ride during his lecture Friday morning (18) at Town Hall, New York. As a lecturer Brown is quite aff actor himself, illustrating and mimicking as he talks. Wisecracks at the Friday lecture included these:

'Most Hamlets look like the original interior decorator. And then there was John Barrymore's Russian Wolfhound version. Forget Leslie Howard, he forgot Hamlet!'

'Eve Le Gallienne's posture as Queen Marie Antoinette looked like she had just finished her first day on a dude ranch.'

'Clare Booth scratches out her plays with her fingernails.'

'You remember Clifton Webb when he used to dance out on a shiny floor with his coattails flying in the wind in mad pursuit of the Dolly Sisters.'

'Libby Holman sings Negro songs as if they came from the Banks of the Volga.'

'Ultimately you tire of reading the message of Lupe Vélez' wig-wagging hips.'

'Hellzapoppin' is so enervating that even Mrs. Roosevelt would And it fatiguing.'

'William Gaxton always reminds me of my first year in college.'

IGNORE FOREIGN FROWNS, WHIMS

Not Concerned About Dictatorial Inhibitions Abroad—Producers Feel It's Futile to Cater to Foreign Governmental Idiosyncrasies Under Existing World Conditions

CHI BANS 'MAMLOCK'

Hollywood, Nov. 22. Studio execs are ready to defy foreign censorship of Hollywood films and cut loose with pictures held in abeyance out of consideration for dictators abroad.

With Metro filming 'Idiot's Delight,' long delayed because of Italian opposition, the same company is reported ready to shoot the Sinclair Lewis story, 'It Can't Happen Here.' Selznick-International is going ahead with 'Titanic' in spite of British kicks.

Sentiment in the studios is that there is no further use of catering to the whims of foreign governments that have either completely banned American pictures or have imposed such stringent rules against Hollywood productions that there is no longer any profit in exporting them.

Understood the Cunard-White Star Line objected to 'Titanic' and made formal complaint to the State Department in Washington, which turned it over to Will Hays.

'We have no intention of abandoning the picture,' declared a spokesman for Selznick. 'In fact, we have brought Richard Blaker, one of England's foremost novelists, to

(Continued on page 15)

Late Coleman Goetz's Daughter Learns About, Seeks Her Mother

London Will Choke

Philadelphia, Nov. 22. If and when the King and Queen of England speak on the radio during their visit to this country, WDAS has an offer for the sale of 15 minutes preceding and 15 minutes following. Buyer is manufacturer of 'Royal Clothes—Fit for a King.' He thinks it would be a natural.

Adopted by a Lynbrook, L. I., family more than 21 years ago, the daughter of the late Coleman Goetz, songwriter, first learned of her true heritage a month or so ago, and is now seeking her mother, the former Gertrude Harrison, ex-showgirl, Miss Harrison, also known in yesterday's show biz circles as 'Moosie,' married the songsmith in Atlantic City some 22 years ago and their daughter, Mary, resulted from that union.

The child was adopted by the Long Islanders when she was about seven months old and was only told the truth by the aging couple because of their own advanced years, and the belief they were doing the right thing. For the past few weeks young Mary Goetz, a cashier in a chain haberdashery, where she is known by another name, says she has been walking the streets and soliloquizing that, perhaps this or that woman might well be her mother; that some day she might marry and

(Continued on page 53)

U. S. INCOME TAX BREAK FOR STARS

Washington, Nov. 22. First official cognizance of the income tax headache, which annually pesters Broadway stars, screen satellites, radio names and other high-bracket show biz personalities, was taken last week when U. S. Treasury officials huddled over a scheme which may mean partial easing of show business tax pains.

Plan for basing surtax rates on the incomes of stars and lesser lights on earnings covering a three-year period—instead of the present yearly bite—is reported to be under serious consideration by high department execs. Many of Uncle Sam's tax experts are showing sympathy for those unfortunate actors who have to pay fat levies on top-year salaries, and then face lean years. Sometimes the fancy fees only last a season or two.

Injustice of making artists cough up large sums, when exigencies of

(Continued on page 55)

See Spread of Comm'l Ad Reels With Grid Games Next Season

Activities of several industrial firms in making advertising of commercial reels of major football games, in the south, with actual plugs for products added to a sports coverage, may develop into a national gridiron reel commercialization by next fall. Success met in several tries this year, with no antagonism encountered from either colleges or exhibitors in communities concerned indicates possibilities of a national setup soon.

Idea back of the plan of at least two large oil companies is to cash in on the same audience served by newsreels. With newsreels figured as

(Continued on page 53)

TURTLE-TROT DOMINATES MUSIC

Preponderance of ballads on the current list of tunes in the hit class some bandleaders squawking that it's nearly impossible to make up a varied dance program for the air. Beef is that songwriters are not turning their talents toward the writing of rhythm and fast numbers enough to offset the heavy list of ballads.

Glance at the list of tunes currently being plugged shows that of the first 20 about five or six can go lively as swing or rhythm numbers. Rest are ballads of the type of 'So Help Me,' 'Change Partners,' and 'While a Cigarette was Burning.' Of course the slower tempoed tunes have always outweighed the fast numbers, but the current condition is claimed to be abnormal.

Foregoing plaint by bandleaders finds little concern among music publishers. Consensus of opinion among the latter is that the industry has been catering too much to the tastes of broadcast orchestras with the result that the sale of sheet music has been steadily on the decline. It is the ballad that still remains the staple article on music counters, and if the industry is to preserve this more important source of income it must steel itself against the taking the line of least resistance, namely, the plug whims of band leaders.

Yank Acts Cancel Berlin Dates Due to Envoy Recall

London, Nov. 22. Several American acts here have backed out of contracts to perform in Berlin.

Believed that recall of U. S. Ambassador Hugh R. Wilson from Berlin and fear of no protection prompted cancellations.

Lil Russell, Sousa Screen Sagas on Tap; WB Snag on Pulitzer

Hollywood, Nov. 22.

'Life of Lillian Russell,' with Alice Faye the name role, and 'Rose of Washington Square' will be made by Darryl Zanuck at 20th-Fox as two of the season's top budget musicals.

Leonard Hoffman is whipping up the 'Russell' yarn for Kenneth MacGowan production. 'Rose' goes as a sequel to 'Alexander's Ragtime Band' and comprises Irving Berlin music not used in 'Alex.' Al Jolson is being considered for an important role in this one.

While the Pulitzers never wanted anything about the life of Joseph Pulitzer put on the screen, the Warner Bros. plan to do a picture on the old New York World and St. Louis Post-Dispatch may not be off entirely. A synopsis of the story on which Louis Weitzenkorn has been working, tentatively called 'End of the World,' has not been submitted to Ralph Pulitzer, nor has the WB legal department determined whether it has a legal right to make such a picture as planned. It may not be necessary to get approval, although if objections by Ralph Pulitzer or others become too vigorous, the whole thing may be called off.

WB idea was for a picture based chiefly on the career of the old World.

Sousa Pic

Stemming from the John Philip Sousa Memorial, which B. A. Rolfe and Jimmy Gillespie have been fostering comes the idea of a Sousa film. For this purpose Gillespie and Judge Frederick E. Goldsmith, his attorney, leave for the Coast the end of this week, with authorization from Mrs. Jane Van M. Sousa, the march king's widow, and W. Herbert Adams, attorney for the Sousa estate, to consummate a Hollywood deal.

'Stars and Stripes' is the idea of the patriotic film to include Sousa's 'Marching Along' autobiography, plus his musical works.

Maestros in the Groove As Pedagogues Pan Swing

Philadelphia, Nov. 22.

Larry Clinton was in the groove with a solid earful of rebuke on their attitude toward swing when more than 500 teachers gathered at Dover, Del., last week for the annual State convention. Clinton flew down to the convention with Tommy Dorsey at the invitation of Dean Glenn Gildersleeve, State Director of Musical Education in the Public Schools. Gildersleeve's invite followed a survey showing that 80% of junior and senior high school pupils listen to the radio on an average of 18 hours a week, to about 40 programs. Only about nine of these present what Gildersleeve termed 'serious music.' Majority of others are by name bands.

Clinton was strong in his denunciation of the pedagogues for their superior attitude toward live. 'The average youth of today,' he declared, 'never receives a note of mu-

(Continued on page 53)

OPENING
AT
BILTMORE HOTEL
NEW YORK
TOMORROW NIGHT
THURSDAY
PHIL SPITALNY
AND HIS
ALL GIRL ORCHESTRA

'Jewish Theatre Control' Issue Raised by H. L. Griffith in Battle For a New Bldg. OK in Minneapolis

Minneapolis, Nov. 22.

The fight of H. L. Griffith to obtain license to permit him to build a \$150,000 neighborhood theatre will reach the city council floor for the sixth time in the past two years next Friday (25) when the aldermen will vote on a minority report favoring the license.

By a vote of three to two the council license committee voted to deny the application following a red-hot hearing during which it was attacked because of the property's proximity to a synagogue and because W. A. Steffes and Theodore L. Hays, respectively, representing independent theatre owners and the Paramount circuit, claim the city now is considerably oversteated.

Griffith and several adherents injected the religious issue into the proceedings by claiming 'Jews control the exhibiting of pictures in Minneapolis and wish to retain a monopoly on it.' This aroused considerable ire by calling attention to anti-Semitism abroad, and warning that if similar developments occur in this country the Jews would have only themselves to blame.

One of the city's leading Catholic priests joined the rabbi of the synagogue, which would be affected by the theatre, in opposing the license. They urged that the council agree upon some definite limitation to the proximity of theatres to places of worship.

A representative of the building trade unions favored the granting of licenses to build more theatres, pointing out it would aid employment. The council now is committed to the policy of not allowing any additional showhouses to be constructed.

Hays, one of the Paramount circuit officials, stated that Griffith would not have to build a new theatre—that his company gladly would turn over the closed Minnesota to him.

The Griffith license has been granted twice, only to be rescinded later. On six occasions the council has voted it down. Griffith also lost out in court in an effort to mandamus the aldermen into granting the permit.

Bondy Again Defers RKO Reorg. Decision, This Time 'Til Dec. 2

Decision on the confirmation of the RKO reorganization plan was again postponed yesterday (Tuesday) until Dec. 2, this time at the instance of Federal Judge William Bondy, who told the attorneys he desired to give more time to scanning the briefs submitted by those favoring the plan and the opposition last week. In setting Dec. 2 as the next hearing the court expressed the opinion that he was certain to reach a definite decision by that time.

'I hope next time,' he said, 'to have some definite decision one way or the other. In 10 days the whole thing should be disposed of. My desire is to dispose of it by the end of the year. The briefs are certainly voluminous and it will take a week for me to complete the reading of them. So far I have read 800 pages and I am not yet finished. I am considering every argument presented against confirmation.'

SCHAEFER'S QUICKIE VISIT TO RKO STUDIO

George J. Schaefer will leave for Coast either Friday or Saturday (26) on his initial visit to the RKO Radio studios and conferences with production heads. He expects to return to New York before the Xmas holidays. Ned Depinet, v. p. in charge of RKO distribution, was to have accompanied Schaefer, but will not make the trip until early next year on his regular studio visit occurring around that time.

Ford Quits Republic

Hollywood, Nov. 22. Charles E. Ford resigned at Republic as associate producer in charge of Roy Rogers westerns. He checks out at the completion of 'Shine On Harvest Moon,' now being edited.

Ford made five pictures at Republic, two Gene Autrys and three with Rogers.

SELZNICK, JOCK WHITNEY WILL HUDDLE WEST

Script of 'Gone With the Wind' is now in good shape and only needs some additional polishing before cameras are ready to start grinding early in January. David O. Selznick will do some more work on the picture this week before he leaves New York for the Coast on Friday (25). He will have a brief discussion on Thursday and Friday with John Hay Whitney on Selznick International affairs, Whitney coming in from Europe tomorrow (Wednesday).

Jo. Swerling, who worked with Selznick on the 'Wind' script in Bermuda, will not accompany Selznick to the Coast but stays on here, another week or two for a rest.

Future distributing affiliation for Selznick International output will not be settled until January, when Whitney goes to the Coast to join Selznick in final meetings that will settle this important step.

L. A. to N. Y.

Faith Bacon.
Lucius Beebe.
Mary Boland.
John Boland.
Joan Blair.
Phyllis Brooks.
Richard Carlson.
Clarence Derwent.
Arthur W. Eddy.
Florence Eldridge.
Gwyllyn Ford.
Lewis E. Gensler.
David Hand.
E. B. Hatrick.
David Hempstead.
Abe Lastfogel.
Alexander Lockwood.
Reuben Mamoulian.
Fredric March.
Montague Marks.
Burt McMurtrie.
Yehudi Menuhin.
John Patrick.
Ralph Penner.
Vincent Price.
Herman Robbins.
Seymour Skouras.
Hunt Stromberg.
Arlene Whelan.
Adolph Zukor.

ARRIVALS

Lela Morale, Hugh Hunt, Glen Eyan Shaw, Ruth Chanova, Louis Berger, George Sanders, W. Russell, Mr. and Mrs. Emil Hahl, Jack L. Warner, Gracie Fields, Clifford C. Fischer, John Hay Whitney, Hugh Williams, Katherine Brown, Charles Morla.

Other News of Interest to Films

U.S. trade agreements Page 11
British films' Broadway showcasing Page 11
Italian film situation Page 11
See British film increase in Aussie Page 11
1939 Fair may chase radio east Page 22
Torchy Blane goes radio Page 22
Winchell's \$5,000, Boyer and Power at \$4,000 radio Page 22
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AFRA board Page 30
New acts: Dick Foran, Bob Crosby, Eleanor Whitney, Bud Page 40
Clark, Jane Bryan Page 40
Act on Broadway-Hollywood rift Page 47

Public Relations

By BILL HALLIGAN

It was the cub's first assignment. 'Go out to Brook, Ind.,' the city editor said, 'and get a story from George Ade.' It was a new twist to the left-handed monkey-wrench gag. Mr. Ade did not talk to reporters, but Steve Hannagan didn't know that... so Hannagan came back with a story. He has been coming back with them ever since. That was 20 years ago and they still tell the tale in the little newspaper office in Lafayette, Ind. Halligan got the interview in George Ade's bathroom. Ade was in the tub and Hannagan had him. Ade liked him and Steve thinks Ade is the greatest humorist in America. That makes it unanimous.

Ade had been a newspaper man himself. He wrote a column on the Chicago Evening News called 'The Stories of the Streets and Town,' a two-column tale every day. Only two lads of the clan have ever duplicated the feat—Ben Hecht and Jack Lait, if you must have names. But this palaver is not about Ade. It's about Hannagan, in case you see his name on a Stork Club menu and wonder who he is. Other great press agents had gone before. Harry Reichenbach, who glorified Francis X. Bushman, but scared him half to death by sending him 'blackhand' letters when he stopped at the St. Francis hotel, San Francisco, and then threw a huge Chinese firecracker in front of his door only to be grabbed by 15 Frisco detectives. It made all front pages for Bushman. Reichenbach got \$1,000 from Addison Mizner for putting Bogart on the map. Ivy Lee, the undercover praise agent for the Rockefeller, and the good will ambassador for Germany. Walter Kingsley, the Keith publicity chief whose specialty was beautiful gals, and Nils Grandlund who took a page out of Kingsley's book.

But none had the flair for the front page that Hannagan has. He handled the Insull aftermath in Chicago until the tumult and shouting died and sympathy and forgiveness made a Chicago jury acquit the dynamic financier, and the folks from the Windy City thought Insull was something you did about diabetes. When you see Miami Beach, Puerto Rico, Sun Valley, Idaho, and the Indianapolis Speedway in the public prints, that's Hannagan's fine Italian typewriter. The only living millionaire public relations counsellor in captivity. A lot of the lads are shooting at Hannagan's mark but most of them couldn't get Hitler's name in the obituary column of the Daily Forward.

U. S. Agents All Over Chi Prior to B&K Suit Starting 28th

Chicago, Nov. 22.

Government suit against Balaban & Katz and the major distributors, with the exception of Columbia, comes up for a hearing in Federal Court on Monday (23).

Government agents are all over town, with as many as 40 minor operatives reported working on various phases of this case. Particular watch is being kept on the offices of the exchanges along film row. Government will call in the books of these companies for a court o. a. and will base much of its argument on what the books indicate.

Fleming, Green & Martin law firm, representing Balaban & Katz in the Allied civil suit against the circuit and all major distributors, will handle the legal work for B. & K. in the government suit also.

Chi Lawyer's Deal With Lloyd's To Indemnify Plagiarism Suits

O'Briens' Day in Court

Los Angeles, Nov. 22.

Pat (freelance) O'Brien won a technical point in his \$500,000 conspiracy suit against Pat (Warner) O'Brien, Louella O. Parsons and Jimmy Fidler, Superior Court denied a motion to strike out the names of the defendants and ordered them to stand trial.

Plaintiff charges the defendants conspired with Warner Bros. to bar him from further work in the film studios.

Chicago, Nov. 22.

Flood of plagiarism and infringement of copyright suits which have beset picture and music firms has brought local attorney, Gabriel Wellner, into the national scene with his system of copyright guarantee for motion picture producers and music publishers. Wellner, who was called in by Paramount for advice and information on the 'Says My Heart' music case, is also understood slated to be a member of the legal defense in the case of Fred Walton against 20th Century-Fox. Walton charges that 20th's 'Thin Ice' flicker is taken from his story, 'Weather Permitting,' and is asking \$3,000,000 damages.

In the 'Says My Heart' case which is song charged to be taken from the late George Gershwin's 'Tell Me More,' written several years ago, Wellner was called in to find a song which pre-dated even 'Tell Me More.' Wellner has established a system for the location and finding the original sources of story plots and music strains.

He has set up a deal with Lloyd's for the issuing of copyright insurance to picture companies and music firms on all stories and songs okayed by the Wellner system.

FREEMAN WEST NEXT MON., ZUKOR DUE EAST

Y. Frank Freeman is winding up his business and personal affairs preparing to leave for the Coast Monday (26).

Adolph Zukor, who relinquishes studio supervision to go to England, leaves Hollywood Friday (25) and is due in N. Y. by train Monday morning (28), prior to Freeman's departure. In telegraphic communication with the h. o., Zukor's plans for sailing were not confirmed, leaving open question of how long the chairman of the board will stay in N. Y. before going abroad. He will probably sail the first week in December, it is said.

Because the last Thursday in this month (tomorrow) is Thanksgiving Day, regular board meeting has been postponed to Thursday (1). Zukor will do doubt attend as chairman of the directorate, a quorum probably being possible.

When Zukor arrives in London to take over as coordinator of Paramount's operations in England, he will be an honor guest at the Cinema Luncheon Club Dec. 14 in London, which will be attended by John W. Hicks, Jr., Par's foreign sales head. Later is sailing for the U. S. a few days after this luncheon meeting.

Hicks is planning to spend Thanksgiving in Paris, and will return to New York in time to spend the Christmas-New Year's holidays with his family. Then he is expected to return to London, where he presently is serving as head of Paramount's British company in addition to continuing as Par's foreign chief.

N. Y. to L. A.

Nate Blumberg.
Ina Claire.
Ned Depinet.
Gracie Fields.
Mr. and Mrs. Y. Frank Freeman.
Jimmy Gillespie.
Will Hays.
Ben Kalmenson.
Nancy Kelly.
Sam Marx.
J. A. Mulvey.
William Sael.
George Sanders.
George J. Schaefer.
W. G. Van Schmus.
David O. Selznick.
Franklyn Warner.
Hugh Williams.
Herbert J. Yates.

SAILINGS

Dec. 7 (San Francisco to Sydney) Ralph Clark, Jr. (Monterey).
Dec. 2 (New York to London) Mr. and Mrs. Adolph Zukor, Mr. and Mrs. Jack Oakie (Queen Mary).
Nov. 26 (New York to London) Douglas Fairbanks, Montague Marks, Mrs. Mario Ostrer (Normandie).
Nov. 23 (London to New York) Walter Dare Wahl (Champlain).

BLUMBERG AT U ON PRODUCTION CHECKUP

Hollywood, Nov. 22.

Two-week series of huddles on production is due next week with the arrival (27) of Nate Blumberg, Universal prexy. Matty Fox, v. p., deferred his trip to New York to await Blumberg's arrival.

Prexy will find two top-budget films in action when he arrives, 'Three Smart Girls Grow Up,' starring Deanna Durbin, and the W. C. Fields picture, 'You Can't Cheat an Honest Man.' Another heavy budget production, Bing Crosby's 'Three's Company,' gets the gun on the U lot next week.

'Honest Man,' the Fields starrer delayed by script troubles, got the gun yesterday (Monday) at Universal. Femme lead is still open, but will not be needed for early shots.

Glazer Departs WB

Hollywood, Nov. 22.

Benjamin Glazer amicably washed up his one-year contract as associate producer at Warner's. He had been asked to reconsider his decision to leave, but said he felt he could not function to mutual advantage under existing conditions.

During his year at the studio, Glazer produced three pictures, 'Going Places,' 'They Made Me a Criminal' and 'Yes, My Darling Daughter.'

Wurtzel's '39 Starter

Hollywood, Nov. 22.

First Sol M. Wurtzel production for 1939 at 20th-Fox will be 'Shooting High,' a dude ranch musical, set to start Jan. 3.

Heading the cast are Tony Martin, Marjorie Weaver and Joan Davis.

U.S. SUIT MAY END DUALS

REVIEWS AND ADVERTISING

The following letter was sent this week by VARIETY to the head of a motion picture company:

Nov. 21, 1938.

Mr. _____
New York, N. Y.
Dear Mr. _____:

We were pleased to receive your letter of Nov. 15, as it gives us an opportunity to tell you explicitly our thoughts on the subject of our discussion.

As we understand your viewpoint, it is that it is impractical and a business paradox for your company to advertise in VARIETY the release of any of its pictures which have received unfavorable reviews in VARIETY columns. You are sympathetic to the use of VARIETY advertising if a picture is favorably reviewed. Also you advocate that VARIETY omit the review of a picture which, in the opinion of its reviewers, is not deserving of favorable notice.

In connection with preparation of plans for the celebration of VARIETY's Third of a Century Anniversary Issue, we recently turned to the first issue of VARIETY, published Dec. 16, 1905, in which the policy of the paper was set forth, in part, as follows:

The first, foremost and extraordinary feature, of it (VARIETY) will be Fairness. Whatever there is to be printed of interest to the professional world will be printed without regard to whose name is mentioned or the advertising columns. . . . The reviews will be written conscientiously, and the truth only told. If it hurts it is at least said in fairness and impartially. . . . Is honesty the best policy? VARIETY will give the answer in its 51st Number.

Some additional interesting principles of policy were set forth in that article, but the quotations above have to do with what was said about reviews. As to whether the policies outlined by the founder of the paper are successful is best proved by the fact that VARIETY next month will have completed not one, but 33 years, of service to the show world.

The review mentioned in your letter is on your picture (*title omitted*). We have again read the review carefully and should say that you, as head of the producing company, should be the first to approve the opinion honestly expressed. The writer has specifically pointed out what he deemed to be the faults in the picture, and if you are fair to yourself you probably will agree with him on most points. VARIETY has given you the ammunition to pass on this honest comment to the producers of the picture.

VARIETY in its news and reviews is not concerned in the slightest degree with what its advertisers desire to say to VARIETY readers. A great number of our readers continue, year after year, on our paid subscription list (there are no gratis copies) solely because VARIETY earnestly attempts to tell the news accurately, and publishes reviews in accordance with the principles set forth in the foregoing editorial excerpt.

What VARIETY does offer an advertiser is an intensive international trade circulation and the opportunity for anyone to set forth his advertising message in such manner as he desires. VARIETY never edits its advertising columns beyond such supervision as required by the postal laws. You are at the head of a motion picture company. You have earnest convictions, but your refusal to express these convictions in paid advertising, and tell the trade what you think about your product, is a policy contrary to successful show management since the opening of the first boxoffice.

We don't suppose that you agree with a word that we say, but, believe us, we have the highest respect for, but not the slightest confidence in, your own viewpoint on this matter. We know from experience of 33 years that a sycophant trade-press is of no value to the trade or to itself. VARIETY lives and still grows because it is dedicated to sound publishing principles.

With regards and best wishes,

VARIETY

DOPING IT OUT, WHEN CASE OVER

12-18 Months Before Any Decision—If Duals Cease, Exhib Squawks Will Likewise End—Hence, Curtailment of Duals May Be Inevitable

B'S A BANE

Litigation lodged against them by Allied or independent exhibitors in several states is not causing the alarm that numerous independent leaders figured on. The big film companies sued on zoning complaints, double features and other restrictions are doing no heavy worrying now, preparing a defense of any moment.

Fundamental reason for this apparently indifferent attitude is that the main issue behind these suits is double-features, and squawks over dualing are expected to be ironed out before most of the cases go on trial.

Majority of the actions from independents won't come up for a year to 18 months from the present date. By that time, the major picture companies and their circuits don't expect to have double features. This is the principal reason why defendants in these suits are not particularly perturbed. Understood that certain actions will be dropped or settled if affiliated chains eliminate double features.

If absence of sufficient major company product to fill out a double feature setup will halt dualing by affiliated theatre circuits, the double feature is definitely on the way out. Because next season Paramount will announce only 40 features. So will Metro. And 20th-Fox figures to do the same. There may be trimming of 'B' product in the same ratio with other majors as RKO and Warners.

This is expected to do away with the bulk of secondary pictures, which were scheduled by majors solely to provide for double feature requirements in affiliated houses. Experience has shown that affiliated circuit houses, all of tremendous seating capacity, cut deeply into the business of small independent theatres even when the latter try a dualing policy.

Whether most majors reduce their number of pictures or not, some trade leaders believe that competition will be so keen that it will take time and other methods to halt widespread dualing.

Back of this idea of reducing the number of features turned out annually (Continued on page 21)

Philly's No. 2 Road Company of U. S. Anti-Trust Suit; WB Now the Target

Can't Can-Can

Hollywood, Nov. 22. 'Zaza' was deprived of her can-can through a second operation ordered by the Hays office. First whittling removed part of the objections, but a sneak preview in Elsieco disclosed need of a major operation. George Kukor was called back to direct three more days of retakes.

'IN-BETWEENER' FILMS, NEW TREND

Hollywood, Nov. 22. New type of features, known as the 'in-betweener,' is being developed in Hollywood to cope with the financial tightness in the film industry. Budgets range from \$250,000 to \$500,000, depending on overhead charges in the individual studios.

Middle-course idea is largely the result of such B-plus pictures as Metro's 'Love Finds Andy Hardy,' which cost about \$500,000 and will gross an estimated \$2,500,000.

Production heads are intent on bringing down the budgets on the top of the dual program to meet the reduced income from foreign fields. At 20th-Fox, Darryl Zanuck is meeting the situation by increasing funds for the Sol-Wurtzel unit, which has been stripped from its B classification. From now on pictures will be designated as coming from the Zanuck or the Wurtzel unit. There is no longer an A or B production.

At Paramount, the Harold Hurley unit not only gets a boosted budget, but its own publicity organization. Universal is devoting as much attention to its low-budget pictures as it is to its \$1,000,000 offerings. Warners is enlarging the scope of the Bryan Foy unit and other studios are acting accordingly.

Sarecky Out of U

Hollywood, Nov. 22. Barney Sarecky and Universal parted Monday at termination of the associate producer's contract. For past three years he handled studio's westerns and serials.

Dat Ol' Debbil Economy Plows RKO Payroll; Studio on Skeleton Staff

Hollywood, Nov. 22. Wave of economy on the RKO lot washed out players, writers, associate producers and office help alike. Virtually a skeleton force is running the studio, despite the fact that six pictures are working.

Latest trio of players dropped from the contract roster are Frances Mercer and Jack Carson, currently in 'The Castles,' and Lee Bowman, playing in 'Love Affair.' New policy of the studio is to take actors on one-picture deals.

Writing staff reached a new low, with only 12 on the payroll. Of these seven are working from week to week. During the fall months last year the studio had from 30 to 40 writers busy.

On the associate producer side, Lou Lusty has already left the lot and B. P. Fineman leaves at the completion of his current job. Axe is still falling on stenographers and secretaries.

Considine Rejects New M-G Pact, Leaves Studio

Hollywood, Nov. 22. John Considine, Jr., Metro producer, is checking out tomorrow, Wednesday, at the completion of his contract. Metro offered him a new deal which he turned down.

Dover Decamps 20th-Fox

Hollywood, Nov. 22. William Dover, in charge of writers and directors personnel at 20th-Fox, turned in his resignation to Darryl Zanuck.

Although his future plans are indefinite, Dover said he preferred the production rather than the executive phase of pictures.

Philadelphia, Nov. 22.

Replica of the monopoly suit filed by the Government with a few additions for good measure, including a demand for divorcement of the Warner Bros. Circuit, was filed by an indie here, against 12 major affiliated exhibs, distributors and producers. Suit was started in U.S. District Court last Wednesday (16).

Preliminary hearing was held by Judge George Welsh on Friday (18) who took the charges of wide monopolistic practices so seriously he originally ordered attorneys for both sides to appear at a later hearing with completely prepared cases so that he might go completely into the matter. This hearing would have been held some time in January, but further developments in the case over the weekend caused Judge Welsh yesterday (Monday) to call a second meeting for tomorrow (Wednesday).

Injunction-seeking exhibit is Herbert J. Elliott, indie op of the Fern Rock theatre. His case is being tried by State Senator Harry Shapiro, who is so incensed at the alleged monopolistic practices of Warner Bros., that he announced he would sponsor a theatre divorcement bill when the legislature convenes in January. One of the Democratic leaders in the Senate, his word carries considerable weight.

Elliott's Ftg. Pix

At the preliminary hearing, last Friday, with agreement of counsel for the defendants, Judge Welsh issued an order forbidding any Warner house from using 'Straight, Plain and Show,' 'That Certain Age' and 'Hold That Course' until after they had played the Fern Rock. Crux of Elliott's whole suit is that WB, by continually building or buying up theatres around him, has pushed him back to an unprofitable run. Injunction on the three-pix was asked by Shapiro on the plea that any delay would put Elliott tight out of business his profits have been so badly cut.

However, Elliott claims that WB immediately broke the moral effect of this injunction by subbing 'Drums' (Continued on page 19)

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French Switcheroo Causes WB to Shelve 'Devil's Island' Film

Warner Bros. has shelved 'Devil's Island' possibly permanently due, in part, to decision of France to retain use of the penal colony which forms the locale of this film. It had been planned and made on the presumption that France was not going to send any more prisoners to Devil's Island, but only a few weeks ago the country reconsidered and shipped a fresh batch of felons there.

Considerable revision of the film now becomes necessary. Bryan Foy produced, Boris Karloff and Nedda Harrigan heading the cast. Release date had been set as Nov. 3.

Stromberg's Month in N.Y.

Hollywood, Nov. 22. Hunt Stromberg checks out Friday (25) for New York to talk over 'Thin Man Returns' script with Dashiell Hammett.

He will also gander Broadway shows during a month's stay east.

Wallis' Play Buys

Hollywood, Nov. 22. Hal Wallis, back from a Broadway shopping tour, announced the purchase of two plays, 'Elizabeth, the Queen' and 'Barber of New Orleans.' 'Elizabeth' is planned as a starer for Bette Davis and 'Barber' for Errol Flynn.

Neither is current on Broadway.

Trade Regards U. S. Suit Vs. B&K In Chi as a Fishing Expedition To Aid the No. 1 Civil Case in N. Y.

Reaction in the trade during the past 10 days to the court action in criminal form against Balaban & Katz, Paramount, Loew's, RKO Radio, 20th-Fox, United Artists, Universal and Warner Bros., and Barney Balaban individually, in which violation of the 1932 consent decree was charged, is that these criminal proceedings really constitute a fishing expedition for the big civil Federal suit against the eight major companies and affiliates and subsidiaries filed in New York City, held rather 'obvious' to legal lights in the industry that the Government attorneys are hopeful of uncovering data which might help its Federal civil action.

In governmental quarters the attorneys themselves do not expect a guilty verdict in the most recently filed Chicago action. But the same attorneys will be the important legal chiefs when Thurston Arnold proceeds against the film companies and circuits on the cease-and-desist order.

Chicago case goes back to the action started in 1928 against Balaban & Katz, et al., and latterly to 1932, when the defendants and the Government signed a consent decree.

Basic feature of the suit against B. & K. and eight other defendants is that the defendants granted unreasonable and arbitrary protection and clearance over competing (unaffiliated) theatres in favor of those owned, operated or controlled by defendant exhibitors. It also mentions, as usual, the restricting of the course of interstate commerce and trade, and preventing the unaffiliated from getting suitable product in first-run and other situations. Complaint charges that the practices extended over the past three years.

Among the long array of charges is one to the effect that collusion or agreement was used in preventing unaffiliated exhibitors from getting films suitable for first-run exhibition in Chicago.

Complaint lists the theatres in the Chicago loop suited for showing first-run pictures as follows, according to seating capacity: Chicago, Oriental (no operator given), Palace, State-Lake, McVickers, United Artists, Roosevelt, Apollo, Woods and Garrick. All excepting the Oriental, State-Lake and Woods is credited with being B. & K. and Paramount operated. Petition then goes on to stress why and how the Oriental, State-Lake and Woods should be first run and entitled to class pictures on that basis.

Some Trade Inside Stuff

A point is made that Barney Balaban has an interest in the Roosevelt theatre building, which is principally owned and controlled by Balaban. It is claimed in the petition that the Roosevelt is leased by the defendant exhibitors at \$5,000 per week. Considerable detail is entered into in an effort to establish this point.

Though the Government lawyers claim it belongs to Barney Balaban, it doesn't. At one time the theatre belonged to the Balaban Trust Fund and then to B. & K. Reported price paid for the property is \$1,000,000. Although the house is on State street, it is considered an extremely bad location. It is known as a matter of record that efforts were made to trade the property off many times. Even last year B. & K. tried to give the theatre and the property to the Marshall Field estate in exchange just for the property of which the State-Lake theatre and buildings stands. MF interests would not take it. Also known that some picture companies refuse to play the house.

Much to-do is made over the relations between defendant exhibitors and the State-Lake theatre in the action filed by the Government. Those in the trade know the S-L theatre, built by Martin Beck and Mort Singer, as being a terrific money maker for years, both with pictures and vaudeville. Estimated that the house showed a profit of \$600,000 in one year. At one time it was neglected, run down and forced to shutter. It was not until the Balaban Trust Fund took the water out of the bonds and got the building into proper form for any operation of it was worth while.

Then on a percentage deal and no guarantee, Aaron Jones with Mar-

Tease Is Off

Hollywood, Nov. 22. Freddie Fraick, one of the pioneers in the rush of Hollywood agents to Sunset Strip, has moved his agency to Beverly Hills.

Rush of agencies to 'The Strip,' began when the L. A. limits, was a ruse to escape the expense of city licenses.

COSMO LABEL STAYS AT WB ANOTHER YR.

Extension of the Warner contract with W. R. Hearst's Cosmopolitan Productions, under which six pictures yearly carry the Cosmo label, is being discussed in New York. It is reported likely that a new deal will be made with the Hearst interests, continuing relations for one year or more from Dec. 31. Ed Hatrick, now east, is representing Cosmo in the negotiations, while Grad Sears and Charlie Einfeld are handling the matter from the Warner end.

Although Warners is expected to continue with Hearst, with extensive exploitation in Hearst newspapers and magazines involved, unlikely that Marion Davies who starred in Cosmo pictures will be included in product to be made. Presumption is that Miss Davies has retired permanently from the screen.

Cosmo productions this summer and fall include 'Cowboy From Brooklyn,' 'Racket Busters,' 'Gold Is Where You Find It' and 'Over the Wall,' while on the way are 'Going Places' and 'Wings of Navy.'

AL WILKIE MAY SHIFT WEST INTO PAR POST

A publicity-advertising head at the studio, to supervise the publicity division now headed separately by Terry DeLapp and the ad branch which is in the charge of Cliff Lewis, will probably be installed at the Paramount studio. It may be Al Wilkie, publicity manager of Par at the home office under Bob Gillham.

The Coast has not had a combined publicity-ad head since Chris Dunphy resigned the post to become assistant to Adolph Zukor, later coming east.

shall Field took it over on a peculiar, cheap, original policy. This policy never demanded, nor could it stand, high-class films. It needs second run films, or Class B and C product. Defendant spokesmen are expected to show that the theatre never had any trouble getting these pictures.

Other unaffiliated theatre over which the petitioners are concerned is the Oriental, constructed during the heyday of financing back in 1927-28. It also was built and operated on a particular policy, known in Chicago as the Paul Ash policy. House enjoyed terrific profitable years then.

But the policy faded. B. & K. tried everything. It attempted first-run product and it failed on a big scale. It experimented with shows, bands and finished off with the choicest United Artists features. All these failed, so they closed the theatre. Aaron Jones now has taken over the house and will inaugurate another new policy and idea—vaudeville, using 'A' and 'B' product.

Government claim is that first-run product was denied the Oriental. Present setup, so Chicago exhibitors aver, was offered United Artist first-run features not contracted in Chicago, but deal fell through because only a one-year pact was offered. Reported that Jones offered \$9,000 per week for these first-runners, but turned it down because only a single-year deal.

HOOT GIBSON'S SAPOLIO DEFENSE IN 50G SUIT

Atlanta, Nov. 22. Hoot Gibson, screen actor and circus performer, last week denied he had violated a 20-week contract with Macon Circus Equipment Co., as charged in suit for \$50,000 damages filed in Fulton superior court. Cowboy actor was served with copy of suit when he appeared here recently with Robbins Bros. Circus.

In his answer Gibson claims contract in question was ordered 'settled and cancelled' by Circuit court of Michigan's Washtenaw county, prior to filing of action here.

Elaborating further in his answer, horse opera star further set out that his circus and screen performances appeal primarily to children and it is therefore imperative that no scandal attach to his monitor, lest it queer him with moppet trade at box office.

Gibson alleges he was forced to leave circus operating under name of Macon Circus Equipment Co. because it permitted licentious side-shows, open gambling and because circus employees drank heavily. He further charges that his employers tried to defraud him out of certain percentages of gross revenues provided under his contract and that they carried no workmen's compensation insurance as required by law.

Macon company's suit, scheduled for trial in December, alleges 20-week contract became effective April 8, 1937, but Gibson jumped show and joined a rival circus three months later.

Paul Conway, prez of Macon Circus Equipment Co., following filing of Gibson's answer, accused Gibson of attempting to prejudice public with remarks about the \$50,000 breach of contract suit. Conway, in Macon, branded as untrue statements concerning licentious side-shows and drinking by employees. Conway says Gibson left show when offered more money by rival circus.

Schnoz Caught Between Two Jobs, Passes Up Pic

Hollywood, Nov. 22. Jimmy Durante, tied up by two conflicting jobs, was released by Metro from his commitment in the picture, 'Song of the West.' Coming Chicago nit job clashed with the film shooting schedule.

Jimmy Durante didn't figure on Dwight Deere Wiman calling rehearsals so soon on 'Swing to the Left,' and hoped to sandwich the Nelson Eddy film in before he started on the Broadway stage musical. Both dates clashed however. Completing a stay at Chez Paree, Chicago, Schnoz must check into New York for the Wiman show next week.

JAS. ROOSEVELT DENIES OFFER OF PICTURE JOB

Hollywood, Nov. 22. James Roosevelt left for Washington, denying a report that he had been offered a motion picture job. President's son said he had resigned as his father's secretary because of his health.

Wilcox's Coast Quest For Anna Neagle Lead

Hollywood, Nov. 22. Herbert Wilcox, English film producer, is on the Coast to discuss plans for an Anglo-American picture for which he wants a name player from Hollywood opposite Anna Neagle.

Several other U. S. players also sought for the picture to be made in London.

Jack Warner In Thurs.

Jack L. Warner, due in from Europe tomorrow (Thurs.), leaves for the Coast Dec. 3, under plans, after home office discussions on 1939-40 program plans and other matters bearing on production. He went over to London to attend the opening of the Warner theatre recently.

Sam Morris, head of foreign operations, is in New York now.

New Producing Group in Grand National Buys Out Fine Arts

Foran's 1st 20th-Fox Pic Waits on Pitt P.A. Date

Pittsburgh, Nov. 22. Dick Foran's return to Hollywood has been delayed another week to permit him to fill previously scheduled date at Stanley, WD luxur here. He opens Friday (25) with Roger Pryor's band, Maxine Sullivan, Ann Miller, Weire Bros. and 7 Redysons.

Foran's first picture under new 20th-Fox deal, 'Winner Take All,' originally slated to get the gun Monday (28) but it will be set back until his return.

GN'S OWN BRIT. ORG. UPSETS BERNERD

Grand National will set up its own distribution organization in England. Formal announcement of this was made yesterday (Tuesday) by E. W. Hammons, president of Grand National Pictures, Inc., who said that final arrangements were made by transatlantic telephone over the weekend. The GN plans for operation in the United Kingdom also provide for the production by the company of its English quota pictures, which will include about eight features the first season.

One of the managing directors of the new company will be Edward R. Russell, now managing director of Educational Film Co. Ltd., associated with Educ. for 18 years. Russell is starting immediately to set up the new organization.

This move upsets an heretofore proposed deal with Jeffrey Bernerd, ex-Gaumont-British executive.

Bernerd's Outfit

London, Nov. 22. New company has been formed here with a City bankroll, headed by Jeffrey Bernerd, with Howard Walsh, head of Vogue Films, in an executive position. A deal was on to distribute Grand National product, including Educational Pictures, for the next five years in England. Company was also to have made quota pictures for GN here with British & Dominion Films having a financial interest and Jack Raymond to produce. Understood first picture would be 'Band Wagon,' regular British Broadcasting Corp. radio feature.

Bernerd obtained a release on his Gaumont-British contract, which had two and a half years to go, and called for his getting \$60,000 a year. Contract has now been settled on a basis of \$47,500 a year. Understanding is Bernerd had verbal instructions to close the Grand National deal as soon as he had the GB settlement in writing. However, some opposition from New York cropped up over the weekend.

KAUFMAN'S \$25,000 SUIT FOR ASSAULT

Sidney Kaufman, film and radio scripter, last week served summons, answerable in N. Y. supreme court, on Alfred K. Stern, broker and former son-in-law of Julius Rosenberg, the late philanthropist, alleging he was bodily assaulted by Stern without provocation, in the publicity offices of Metro on Wednesday (16.) Kaufman, who headquarters in the M-G press dept., is demanding \$25,000 damages.

Stern refused to comment on complaint thus far. He recently married Martha Dodd daughter of ex-ambassador (to Germany) William E. Dodd. Her book on Germany is due for Harcourt-Brace publication in February.

OWEN AS SCROOGE

Hollywood, Nov. 22. Lionel Barrymore, prevented by illness from acting in 'The Christmas Carol' at Metro, made a one-reeler to exploit the picture and to introduce Reginald Owen.

Owen was personally nominated by Barrymore for the role of Old Scrooge.

Purchase of substantially all the assets of Fine Arts Pictures, Inc., and assumption of its production obligations under its contract with Grand National Pictures, by a newly organized producing corporation, was announced late last night (Tuesday) by E. W. Hammons, president of Grand National Pictures, Inc.

Organization of a new company, 'headed by men with long motion picture experience,' [according to the statement and the GN prez who cannot amplify beyond that just now], and its agreement to take over all the terms and conditions incorporated in the Fine Arts contract, gives GN positive assurance that it will receive all the product. Franklin Warner is head of FA and had been in New York more than a week, huddling with Hammons on a deal that, at first, pointed to his possible dominance in the GN organization.

In addition, the new company assumes the production of at least two top 'A' pictures in this group (Fine Arts) and agrees to take the production budget substantially on all future pictures.

Grand National will continue to distribute the three completed Fine Arts productions and will also release the new FA picture tentatively titled 'Long Shot,' now being edited and scored.

Announcement when queried on the statement issued by Hammons, stated that Fine Arts had other production plans in mind.

Announcement by Hammons came as result of a meeting all yesterday (Tuesday) afternoon among Hammons, Warner, Jack Skirball, Edward L. Alperston, Norman Nicholson, attorney for Hammons, and Sam Berkowitz, Grand National franchise holder.

A large increase in the number of pictures Fine Arts would make for Grand National release was looked for, following the many conferences in New York between Warner and Hammons.

Of the 44 features, two special attractions, 24 westerns and 44 shorts originally lined up by Hammons for the 1938-39 season, there were to be a series of westerns to be produced by George Hirshman (Coronado Pictures) as well as a second Coronado series with Dorothy Page ('Clinging cowgirl'), another three pictures to be made by Phil Krasne (Cinemart Productions) and a fourth series to be made by Grand National itself, with Tex Fletcher.

It was Franklin Warner's intention to secure representation on the GN board of directors for his Fine Arts interests. Producer may get away to Coast by tonight (Wednesday) after the Coast Board of Educational Pictures, Inc., meets today for annual election of officers. Stockholders' annual meeting was last week.

Coast Slant

Hollywood, Nov. 22. Up until the Warner-GN deal fell through the future of Grand National Pictures was believed to rest on Franklin Warner. He was reported to be withholding production finances on that program until he could move into a dominant position in GN's management with representation on the board of directors.

There existed also the possibility of a complete takeover of GN by Warner and his associates, following reported failure of Hammons to raise \$1,500,000 either in the U. S. or England, which would be needed for operating of GN's releasing setup and in production of pictures the company itself would make.

Hammons' recent trip to London to secure financial aid from British distribution companies, with British and European rights to GN product as the lure, is reported to have been unsuccessful. While John Maxwell of British International Pictures is said to have made Hammons a proposition, it is understood to have fallen far short of Hammons' expectation.

That proposition called for advancing of a flat sum by BIP on delivery of each feature by GN, and is said to have been 'nixed' by the Fine Arts group, which, under its court-approved contract, reserved the right to pass on any deals lined up by Hammons.

Warner was also reported opposed to Hammons' desire to move GN headquarters to Hollywood, including the sales department. Warner believed that should function from New York.

SCRIBES REBUKE STUDIOS

Several Show Biz Groups Enlist In Refugee Succor; Benefits S.R.O.

Film art directors and publicity executives of motion picture companies met yesterday in New York to organize a \$50,000 fund to aid the German refugees.

Plan is to get noted American painters and illustrators to donate original art work and committees would then attempt to sell 100,000 tickets at 50c each and raffle off the contributed pictures. Idea is to contrast world art and culture with the current inhumanity abroad.

Sardi meeting resulted in several committees being appointed to handle finances and make contacts in the industry for pushing ticket sales. A second meeting has been called for next Monday (28), and present outlook is that the drive will develop into a quasi-official industry matter.

Barney Balaban is reported very interested in the scheme and has offered to contact important executives among all the film companies in an effort to make the drive successful.

Other important factors in film and legit business are taking individual action to contribute money or raise funds in the fight against Fascism and Nazism. The Hollywood Anti-Nazi League for the Defense of American Democracy last Friday (18) held a mass meeting at the Philharmonic Auditorium in Los Angeles, with prominent directors and film players among the principal speakers. Receipts from admissions were contributed to the Refugee Fund.

In New York Sunday night (Nov. 20) the Playwrights Group gave special performances of their shows, "Knickerbocker Holiday" and "Abraham Lincoln in Illinois," proceeds also being donated to the cause.

Prominent picture theatre circuits throughout the country are contributing some of their boxoffice receipts, and the monies taken in by the "Night of Stars" benefit at Madison Square Garden last week was also donated to refugees.

Sunday Legits Sell Out
A test of Sunday night performances for legit was made Sunday (20) in New York when three shows played benefit. "Abe Lincoln in Illinois" at the Plymouth, and "Knickerbocker Holiday" at the Barrymore, were given in aid of German refugees, while "Kiss the Boys Goodbye," at the Miller, played for the Stage Relief Fund. All played to capacity, including stands for the first time named. "Kiss" turned away patronage.

Robert E. Sherwood, who wrote "Lincoln," asserted those responsible for the German atrocities, being particularly denunciative against Hitler in his curtain speech. Maxwell Anderson who, like Sherwood, is a Pulitzer prize-winner, at the "Holiday" performance, also condemned the dictator.

"Lincoln" and "Holiday" got around \$5,300, with "Kiss" drawing \$2,100. Musicians work gratis for refugee benefits and it's expected the stagehands will likewise do so, although the union is required to vote on the proposal Sunday (27).

Leblang's agency sold some tickets for the refugee shows at \$1 and \$2 (Continued on page 19)

INA CLAIRE TO MAKE 1ST FILM IN 5 YEARS

Ina Claire, who left over the weekend for Culver City and a new Metro contract, will mark her first film appearance in five years.

She goes into the next, Hedy Lamarr-Spencer Tracy film, but her deal calls for time out for a Broadway play, as and when. Lyons & Lyons agent.

Hollywood, Nov. 22.
Ina Claire checks in at Metro this week for a featured role in "I Take This Woman," originally slated for Fanny Brice.

H'wood Standoff

Los Angeles, Nov. 22.
Nobody owes anybody anything in the suit between Merle Oberon and Lyle W. Rucker, attorney. Lawyer had sued actress for \$5,480, the balance of a \$11,480 bill for legal services. Actress had sued lawyer for \$5,000, claiming that the \$6,000 she had paid was \$5,000 too much.

Superior Judge Edward R. Brand called it 50-50.

NW MPTO Looks To Self - Reg. To Solve Problems

Seattle, Nov. 22.
Annual conclave of Motion Picture Theatre Owners of Northwest, including Washington, Oregon, Idaho and Alaska, was held here last Friday (18) when varied problems were freely discussed by the exhibitors. However, the usual resolutions were not passed, the reason being that action was deemed useless in the face of the industry conference now in progress in New York City. These are considered the backbone of the stand the industry will take and what is likely to follow in the way of state or Federal legislation. General approval was voiced on action taken on the program at the Oklahoma City meetings of the national group.

Hugh Bruen, owner of the 45th St. theatre here, and also three houses in Whittier, Calif., is one of the three western operators comprising the delegation at the N. Y. conferences. What happens there, it is fondly hoped here, will be the successful culmination of what theatre men have been striving for during the past two years—self regulation with the force of law behind it.

General discussion brought out several defects now existent, among them the varied clearance dates in effect in Washington state; from 28 days in some country districts to 52 days in Seattle.

"Prices of admission and not buying power" should determine clearances was one angle of the mooted question.

On legislation, J. M. Hone, ex-sec. of the association, said in his annual report: "The Neely-Pettingill bill against blind buying and block booking no doubt will come up before the coming session of Congress. Locally exhibitors were divided over this bill, some being for and some against it. It is my prediction that unless the producer-distributors make some drastic changes in their relation with exhibitors as to the present standard contract and the methods used, there will be national and state legislation."

"The giveaways committee reported absence of giveaways, lotteries and games of chance in this district. So well satisfied were the delegates at the convention that all officers were reelected as follows: L. O. Lukun, Seattle, president; Milburn Kenworthy, Moscow, Ida.; Paul Auf, Seattle, and Cecil Gwinn, Centralia, vice presidents; and J. M. Hone, executive-sec. John Hamrick, Seattle, Mildred Bishop, Lewiston, Ida., and Henry Davidson, Port Angeles, elected new trustees.

Who Goes There?
Hollywood, Nov. 22.
Edward G. Robinson's next starrer is "Footsteps in the Dark," based on a Hungarian play by Ladislav Fodor.

Anatole Litvak is slated to direct the picture, which rolls in January.

WARN PRODUCERS ON ANY S. P. DEAL

Wagner Act Violation Cited
If Agreement with Screen Playwrights Amended—
Producers' Good Faith
Questioned—Five-Day
Week Being Studied

MULL AGENT PENALTY

Hollywood, Nov. 22.
Screen Writers Guild has warned producers not to entertain any further negotiations with Screen Playwrights, Inc. In a letter to heads of the major companies, Charles Brackett, SWG prexy, said any attempt to amend the 'so-called agreement' with SP would be interpreted as a violation of the National Labor Relations Act.

Tops in SWG pointed out that violations of the Wagner Act are punishable by both fine and imprisonment, and indicated any further negotiations between producers and the SP would call for aggressive action by the Guild. The SWG already has one petition pending before the National Labor Relations Board charging major companies with unfair labor practice for refusing to recognize the organization as sole bargaining agent for scriveners.

Brackett's letter to executives follows:

"We noticed in the Hollywood DAILY VARIETY of Nov. 8, 1938, the article appearing on the first page thereof entitled, 'Ask Penalty If Writers Waylaid.' This article stated that the organization known as the Screen Playwrights, Inc., was about to demand of certain motion picture producing corporations that they add to the so-called agreement between the Screen Playwrights, Inc., and certain producers, a provision providing a penalty clause for omission of valid screen credits.

"You are already aware, of course, that the Screen Writers Guild, Inc., is the sole legal representative for the purpose of collective bargaining with you as respects screen writers employed by your studio.

"This letter will serve to advise you that with regard to any negotiations which you may carry on through the Screen Playwrights, Inc., such negotiations are not only illegal under the provisions of the National Labor Relations Act, but also raise an additional serious question as to your good faith in bargaining with any organization other than the representative of the majority of the screen writers employed in your studio, namely, the Screen Writers Guild, Inc."

Oppose Fact Tampering

Shortly after dispatch of the Brackett letter by registered mail, Leonard S. Janofsky, SWG counsel, forwarded a second communication cautioning the producers not to act on request of the SP to negotiate agreement covering television rights and screen credits. Counsel indicated that the SWG would go into Federal court if necessary in an effort to prevent any changes being made in present pact between the producers and the SP.

Several major companies are considering adoption of a five-day week if the new wage and hour law interferes with 54 and 60-hour production schedules. Pat Casey, producer labor contact, has advised companies to stand pat until some definite ruling is handed down in Washington, but executives are apprehensive lest they become involved in some legal tangle unless immediate preparations are made to comply with law.

Casey spent several hours in conference with Joseph M. Schenck upon his arrival on the Coast, and later went to Metro to talk with Louis B. Mayer and E. J. Mannix. Clerical workers and others have also (Continued on page 17)

UA Board Meets Primarily On Prod. Plans for '38-9; Silverstone Urges Greater Anglo-U. S. Pix Co-op

Note the Quote

Hollywood, Nov. 22.
Rather than take a lashing with a studio 'bull' whip, Charles Bickford passed up a \$20,000 job in Cecil B. DeMille's "Union Pacific" at Paramount. Akhram Tamiroff is assigned to throw the 'bull' whip.

When Bickford became bearish, Brian Donlevy went bullish and grabbed off the 20-grand job. It calls for a lashing by a 'bully'.

Meeting of United Artists board of directors in New York last week, which was attended by Maurice Silverstone, general manager, Douglas Fairbanks, Mary Pickford, Charles Schwartz, legal representative for Charles Chaplin, James A. Mulvey for Samuel Goldwyn, Emanuel Silverstone for London Films (Korda) and Dennis F. O'Brien, UA counsel, was taken up entirely by discussions about productions to be made for the 1939-1940 season. Talks will be continued at the next board meeting Nov. 30.

Out of last week's preliminary confab came definite indication that United Artists will offer a considerable increase in the number of pictures to be released next year. According to Silverstone, Chaplin will definitely produce one picture starting in January, 1939, and Fairbanks will produce one and possibly two out of a contemplated series of three pictures which will have British and continental financing behind them. Goldwyn's program is being lined up this week with indications he will turn out a total of eight films.

If pictures are delivered as they shape up on this preliminary schedule, and if all producers contribute, as a minimum, the same amount of films announced for the '38-39 season, United Artists will have some 30, or more, pictures to sell next season, instead of 24 being distributed this season. Goldwyn this season is contributing three pictures, David O. Selznick two, Walter Wanger four, Hal Roach five, Korda five, Edward Small five.

Fairbanks has not decided which picture he will produce first. It may be a film based on the life of Lola Montez. UA executives doubt he will be able to produce three or even two pictures in 1939, anticipations being the producer will take six to seven months for his first one, it being Fairbanks' intention to devote plenty of time and effort in turning out a fine quality product on the occasion of his resumption as an active producer. Whichever pictures he makes, UA will release.

Mulvey to the Coast
Mulvey, Goldwyn's eastern business representative, leaves for next week (23) to confer with the producer on lineup of picture Goldwyn plans to make for next season. While all his plans have not been set so far, studio sources predict he will turn out eight productions. This would tend to keep Goldwyn at the top of the heap in UA producing ranks at least from (Continued on page 17)

HULBURD MUST TAKE IT EASY FOR A WHILE

Philadelphia, Nov. 22.
Merritt Hulburd, who recently inked a pact with David O. Selznick as a producer at Selznick-International, is seriously ill at the Chestnut Hill hospital here. He is recuperating satisfactorily from a serious operation, but will be unable to make the jaunt to the Coast or think seriously about pickers for some time, doctors said. Illness is delaying production of "Intermezzo," Hulburd's first assignment under the new term.

Hulburd just about a year ago quit a \$1,250-a-week spot with Sam Goldwyn to return to his former job as associate editor of the Saturday Evening Post at \$300 a week. He said at the time he was leaving Hollywood because hours were too long and work too nerve-racking.

Quieter SEPost job apparently didn't agree with him, either because he had a breakdown and was forced to resign at the end of August. Following his return from the Mayo Clinic, he signed with Selznick, intending to go west about Nov. 1 under a contract which allowed him three months a year rest.

Add Headaches: Pa.'s New Censor Board a Worry

Philadelphia, Nov. 22.
With overturn of the present Pennsylvania State administration at the election this month, film men here are looking forward with trepidation to the naming of the new Board of Censors. Jobs as official pic gardeners and members of the Board's staff are juicy patronage plums which always change hands with administrations. Which is the principal reason why the industry here looks with so much disrespect and disdain on the Board, for the members are merely political wire-pullers, not socially-minded with a real knowledge of audience reaction and human psychology.

Inasmuch as appointments as Censors are wholly political, film men are hoping that at least one of those named will have a knowledge of the industry and its problems, instead of coming in cold. They are not necessarily looking for anyone sympathetic toward the film business, but someone with at least a good technical knowledge of what the industry faces.

Despite its political makeup, film-row will hate to see the present Board go, for it has had the best record for getting along with distributors of any Board in history. On the other hand, it has also gotten more front-page publicity through its misdeeds, which have been thumbed-down, however, have all been of the freak variety, usually political or pseudo-health, and none have been distributed by the regularly-recognized outlets. Many more of these films have been passed recently than earlier in the Board's regime, though, probably because it has come to realize that it is being used merely as a publicity sounding-board and the pix get very little play anyhow.

Film men are particularly unhappy to see the passing of Patrick Duffy, only male member of the present board of three. He had come to be popular as 'one of the boys'. Other members are Mrs. A. Mitchell Palmer, wife of the wartime Attorney-General, and Mrs. Hester Fye.

METRO'S \$30,000 RAP FOR FILMING ACCIDENT

Hollywood, Nov. 22.
Metro has been ordered by the Los Angeles Federal Court to pay \$30,000 to the widow of Kresten Gonnemen, washed overboard while the studio was making "Captains Courageous."

Court held Metro negligent in sending to sea an unseaworthy and insufficiently manned vessel, in denying the studio's petition for exoneration of liability.

Favor Hays Office Supervision For Next Year's Silver Jubilee

With another 'greatest picture' campaign for 1939 now assured, just what form it will take, and under whose auspices it will be managed, are things that must be decided in the next few weeks. Prevailing opinion is that some decision must be made before the start of next year so that preparations need not be hurried.

Advertising-publicity bally next year will be the industry's 50th anniversary celebration. At the present time there is talk of taking the silver jubilee before the Hays office at the next directors' meeting or, if not considered by this board, the advertising advisory council of the Hays organization should consider it before the end of December.

Feeling is growing in the industry that at least next year's campaign should be handled by the Hays office, possibly with a few sides added to the staff. Because the Motion Picture Producers & Distributors organization has been closely identified with the development and growth of the business in recent years, many believe it should have an active part in any celebration honoring the industry's anniversary.

Move towards having the Hays office head the campaign is based on several premises. MPPDA organization is already set and operating so that it can handle many of the campaign duties as part of regular routine.

Whether or not the Hays office is given supervision for next year's campaign is a decided trend towards leaving all newspaper advertising in the hands of exhibitors themselves. Film business officials believe that the exhibitor as a rule is in more active touch with local situations and probably can place such ad material with less friction than by any other source. This also is counted on to eliminate any squawks from smaller publishers, such as weekly newspapers, which were ignored in this year's drive, excepting where some theatre operators were called in to fill the gap.

Besides these factors, the plan of permitting exhibitors to handle advertising will eliminate this extra burden on producers-distributors. While they will pay for the cost of press books, advertising and ad material, it will be strictly up to the local exhibitors to pass on the amount of space that is to be used or the expenditures over a period of time for the campaign.

Permanent Press Bureau Official report of the advertising committee headed by Howard Dietz last week recommended that permanent press relations bureau be established to represent the film business, idea being to preserve the goodwill generated by the current 'greatest picture year' drive. Dietz said he would suggest a motion picture press club. A continuing organization, with a paid staff which would be a clearing house for the industry is also advocated.

In his report he points out that 'sources of dissatisfaction were weekly newspapers and radio organizations. Weeklies felt they were overlooked in the advertising. His committee recommended that in the future the weekly newspapers be given most earnest consideration. National Association of Broadcasters also objected to the exclusion of a radio appropriation. Committee made the same recommendation as regards radio.'

It seems that the industry, read the report, has grievances with radio, mainly due to the zeal of commentators. It seems now that the radio has a grievance with the industry mainly due to our lack of time buying.

Committee report summarized the situation as follows: 'We have found that the box office success of the campaign has been in direct ratio to the activities of the local committees of individual exhibitors.'

Newstreels in next few issues will carry announcements giving notice of closing weeks in the \$250,000 Movie Quiz contest. Deadline for mailing entries is midnight, Dec. 31.

'HUCK' GETS GOING

Hollywood, Nov. 22.

'Huckleberry Finn' rolled yesterday (Mon) on location at Isleton, Cal., with the Sacramento River playing the role of the Mississippi. Metro picture is directed by Richard Thorpe.

Five Majors Dicker For Release of 'Pinocchio'

Hollywood, Nov. 22.

With five major companies offering to release 'Pinocchio,' Walt Disney is deferring negotiations until more complete returns are in on 'Snow White.' Offers are from Metro, United Artists, Warners, Paramount and RKO, latter presently releasing 'Snow White' and other Disneyes.

Latest figures show 'Snow White' grossing around \$4,750,000, with an anticipated total of \$9,000,000. RKO's cut of 25% will net about \$1,250,000 more than was expected. No provision was made for reducing the percentage after a certain figure.

Injunction Vs. Prim Exchanges Over 12 Indie Film Releases

Superior Talking Pictures, Inc., and Stage & Screen Productions, Inc., filed New York supreme court application for injunction restraining Principal Film Exchanges, Inc., of New York from continuing further distribution of a series of 12 independent action features made by indie producers on Coast for Superior and Stage & Screen companies. Justice Edgar Lauer granted their application last week.

According to Oliphant & Lerman, attorneys for plaintiffs, a 50-50 deal was entered into between parties to distribute the pictures in N. Y., but Principal Exchanges failed to make remittances, financial or booking reports. They want accounting of monies collected, accounting and appointment of receiver, insofar as it relates to this particular deal.

Principal Exchanges, Sherman S. Kreiberg, pres., contends that Superior and Stage & Screen contracted to deliver 25 pictures; only delivered 13 and, because they failed to deliver the balance, Principal stopped remittances and reports.

Principal has counterclaimed for \$6,600 against plaintiffs for breach of contract.

VOICE OF 'SNOW WHITE' SCORES POINT IN SUIT

Adriana Caselotti, the 'voice' of the Princess in Walt Disney's 'Snow White and the Seven Dwarfs' won a concession Friday (18) in her suit for \$200,000 damages against Disney Productions and RCA Manufacturing Corp., when N. Y. Supreme Court Justice Vessmeyer decided that the plaintiff was entitled to a bill of particulars requested by the plaintiffs be modified. Instead of supplying full details of the agreement she claims she entered into with officials of the Disney Corp., when she was engaged for the part, the court decided she need only supply the substance if the agreement was an oral one.

Miss Caselotti claims the defendants violated her contract by making and distributing discs recordings of her dialog in 'Snow White.' She claims this resulted in preventing her from capitalizing on her own personal appearances.

Acad's Balancing Film Goes Out to Theatres

Hollywood, Nov. 22.

New technical device, known as the 'balancing film,' is available to all theatres through the work of the Research Council of the Academy of Motion Picture Arts & Sciences. It enables projectionists to balance their machines to present an entire show without jarring changes in the loudness or softness of the dialog or music.

Production of the new film is under direction of the Research Council's theatre standardization committee headed by John K. Hilliard. Studios cooperating in the project are Metro, Columbia, Paramount, Republic, RKO, Roach, 20th-Fox, United Artists, Universal and Warners.

Even Turks Tabu

Philadelphia, Nov. 22. Even turkey giveaways for Thanksgiving, which have been indulged in for years by theatres here, are being banned this year by Philly police as a raffish.

Like banks and bingo, cops claim the drawings are illegal.

GB AND BAIRD BATTLE BBC ON VISIO

London, Nov. 14.

Gaumont-British and Baird chiefs are in a long huddle with British Broadcasting Corp. and Television Advisory Committee over rights to present publicly visio shows aired by BBC from its Alexandra Palace transmitter. Ever since GB put in big screen plants at three West End theatres, battle has been on, the company and its visio affiliate, beating against the monopoly rights vested by Government in BBC.

Talks are slowly getting some place, and it is thought agreed methods will be determined early in 1939 whereby at least specified looksee programs will be given on theatre screens under license, though without prejudice to Corp.'s normal copyright.

Both Baird and Scopophony at one time handled their cards with a view of getting licensees to play their own programs exclusively for theatre production, in the one case the GB circuit, in the other Odeon. Might have meant they would be transmitting a combination of films and floor shows, but in any event that project got sat on pretty soon.

Now it is to decide just which part of its program BBC may release for screen projection—and what fee can and will be levied for the service. Anticipations are the theatres will only require to take remote programs of outside events (the Derby, the Football Cup final, and the like), as a split-second topical adjunct to the newscasts.

Armistice Broadcast

London, Nov. 11.

Visio version of Armistice Day celebration, held this morning 'played' to biggest privately invited audience ever to see a program on the big screen, with near 900 individuals cramming the small Tatler theatre to capacity.

Baird projection system has increased many times in brilliance, but clarity of definition is still missing in the remote broadcast. Closeups are excellent, but longshots and spectacle effects lose impressiveness due to lack of detail. Also, possibly on account of cameras' all wearing telephoto lenses for the occasion, marked distortion was evident, famous Whitehall Cenotaph being seen to lurch like the Leaning Tower at Pisa.

General impression is that Baird has got really going with the large-scale image, but was handicapped at this show by variable work at BBC end, one of the three emitters cameras on the job picking up far less than the other two.

But in a final analysis, large audience was clearly impressed by the occasion, though probably in some degree by the emotional nature of the event presented.

Coast Visio Show

Hollywood, Nov. 22.

Television show on New Year's Day is promised by Arthur Klein, operator of the Tele-View theatre, Hollywood's only newsreel house. Theatre is equipped with receiving apparatus for televised subjects.

Fonda, Others Dropping Off Wanger Contract List

Hollywood, Nov. 22.

Henry Fonda's pact with Walter Wanger expires on completion of his current loanout job at Columbia, and will not be renewed.

Wanger is dropping his contractees as fast as their pacts lapse. Among the departures are Charles Boyer and the writing team of Gene Towne and Graham Baker.

Lefty's Canine Exploitation Goes To the Dogs, So He's Going to L. A.

By Joe Laurie, Jr.

Coolacres, Cal., Nov. 22.

Dear Joe:

Well, here I am, not so well. Laying in bed with a bum gam and a bad an. It all comes from trying to make Motion Pictures Are Your Best Entertainment possible. After all the lessons I got in exploitation I should have known better, but like a kid touching the fire to make sure that's what burned him, I tried again, and as I said before I ended up with two casualties.

It happened this way. I booked in a picture called 'Call of the Wild' which, as you know, has a dog in it as a lead. Well, I figured out it would be a great publicity stunt to tie up with dogs, so I offered a five buck prize to the kid that brought the best dog and another five bucks for the kid with the worst mutt. Well, Joe, I never saw so many dogs, outside of Feltman's, Coney Island, and those were in rolls. I think the kids went to other towns to get some dogs because no one-town could hold so many. Some kids came with two and three. Well, they came into the theatre and all the dogs made a rush for me. I never felt so much like a tree in my life.

I couldn't duck 'em and they cornered me on the steps leading to the balcony. Two police dogs gave me their special attention, and when I kicked at them, they thought I wanted to play, so one grabbed my leg and the other just took a taste of my hand. Those bites hit the jackpot on my tonsils and boy you never heard a guy yell louder than I did. Somebody put in a call for the cop and the ambulance. The cop happens to be the town dog catcher too; sort of doubles in brass. Well, while the doctor was cauterizing my wounds, which felt like the guy in Boston cutting out your best gags, the cop was rounding up all the kids and dogs. Half of 'em didn't have any license, so the kids figured that I just pulled the stunt to help the town collect some dough. So they got sore and started to hiss me when I was taken out to the ambulance.

That made me feel terrible, because that's one bunch I want to think well of me, not from any business angle, but I don't want anybody to say I'm a kid-hater. And I love dogs, too. I know they didn't mean to bite me, they just happened to see me before they saw a bone. Well, I told the cop that I would pay for all the dogs that didn't have a license. I'd do it even if I had to hire the money from the bank, and when the kids heard about it they went out and picked some flowers and sent them to me with a note, 'To Our Pal, Lefty.' That did me more good than any doctor in the world. That night the place was jammed. But I've made up my mind that the only animal exploitation I'll ever do from now on will be no bigger than a canary bird.

Banker Softens Up 2%

Aggie has been waiting on me hand and foot—seeing that that's what was hurt—and Junior looks at my bandages like I was a war hero. Aggie says that I've had hydrophobia for years according to the way I've barked at her. She's a great gal and when a guy is sick he finds out who his friends are. Even the banker softened his heart 2% and wanted to know what I was going to do for me.

To make things tougher the tubes blew out at the radio station and now I've gotta go to Los Angeles and get new equipment. So when I'm better which will be in a few days I'm gonna take Aggie and Junior and drive down to L. A. It's a nice trip and will make a nice vacation for all of us.

Remember me to all the gang back there and tell 'em you can't put things across by getting cross. Sez

Your Pal,

Lefty.

P. S.—Parkyakarkus sez, 'Never ask people not to tell, it puts ideas in their heads.'

RAH-RAH SONGSMITHS HAVE TWO FILM BIDS

Clay A. Boland and S. Bickley Reichner, songwriting team who did the score for 'All Around the Town,' this year's show of the Mask and Wig Club University of Pennsylvania, have been offered Hollywood term contracts by 20th Century-Fox and RKO. However, they want only a one-picture deal. Boland is a practicing dentist in Philadelphia and Reichner is on the staff of the Philadelphia Evening Bulletin. Neither wants to abandon his present setup for a regular salary job on the Coast. Their present publishing house is Lincoln Music. In addition to the collegiate show, they are also authors of 'Beating Around the Mulberry Bush.'

In the current 'All Around the Town' two portions had to be omitted because of their topical angle. One is 'Crummy Elbow,' a skit about President Roosevelt and Father Devine. Other is a Roosevelt verse in the song, 'I Love My Country.' Since the U. of P. is largely dependent on state appropriations, it was figured diplomatic to make the two deletions from the show. [Show is reviewed in this issue.]

Gracie Fields in Huddle With 20th on Her Next Pic

Hollywood, Nov. 22.

Gracie Fields heads for the Coast this weekend for conferences at 20th-Fox on her future pictures in England.

Mante Banks is already here working on the Enoch Sornett's next picture. Both return to London after Darryl Zanuck okays the script.

DOROTHY REID'S POST

Hollywood, Nov. 22.

Dorothy Reid has been named story department head by Monogram. She was a producer on the lot.

20th Exchanges Handling G-B as Economy Move

Booking of Gaumont-British pictures, in half of G-B of America's 31 key city sales organizations, has been taken over by 20th-Fox exchanges, as an economy measure, according to Arthur A. Lee, v. p. and general manager. Gaumont-British has no intention of disbanding its American distributing system, having delivered 12 pictures to date for the '38-'39 season; three more have arrived and are awaiting release, and nine more are expected from London for balance of this season's commitment of 24 pictures.

Lee will keep full booking and sales personnel going in the more important key centers while in those dependent where 20th-Fox has taken over booking, former Gaumont bookers have been shifted to the sales staff. Not more than a dozen employees have been affected by the takeover, and sales managers in 28 exchanges will still be maintained. Memphis, New Orleans and Charlotte are the only cities where no sales head is functioning, the work being performed by bookers.

Lee maintains shifting of booking in details to 20th-Fox will be percentage of latter's percentage of gross for distribution because 20th-Fox had originally agreed to do all the booking of Gaumont product.

Out of 'Ambush'

Hollywood, Nov. 22.

Gladys Swarthout wound up added scenes on 'Ambush' at Paramount and pulled out for San Antonio, to start a six month concert tour.

'Ambush' was her last picture under the Paramount contract.

IA'S THEATRE DRIVE EAST

**'Sneak' Dualing Disrupting Mpls.;
Twin Bills in Chi's Loop; 26 Triples**

Minneapolis, Nov. 22. 'Sneak' double featuring is the latest disrupting trade development here, threatening to rip the Twin City dual bill situation wide open again.

A number of independent neighborhood houses are offering double features 'on the sly,' without any newspaper, lobby or other advertising for the dual bill. Only one of the two pictures, the more important, is publicized. However, the clientele knows it will see two features and it advertises the 'bargain bill' by word of mouth.

Aroused by what they charge is 'unfair opposition,' several independent exhibitors opposed to double features announce they'll go to twin bills openly unless the 'sneakers' desist. Also under fire are large loop subsequent run houses like the Palace here and Lyceum, St. Paul, showing double features at 15c.

Fearful of a widespread breakout of double featuring, Northwest Allied States will call a meeting of Twin City exhibitors to take steps to halt the 'sneaking.' One difficulty is that only comparatively small number of St. Paul independent exhibitors are members of the organization. It is expected that pressure will be used on the exchanges to cut off service of the offending exhibitors, if possible.

It was thought the double feature problem was solved when Northwest Allied prevailed upon the Princess, local independent house, to quit dual bills recently when other competing houses threatened to adopt the policy. Efforts also are being made to prevail upon the Paramount circuit to stop dual first-run features at the Minneapolis Aster and St. Paul Tower. There was much elation when the big chain decided to run single features at the new Gopher, just opened, here. However, the fact that the Gopher's admission is only 25c and the house enjoys 45 days' clearance over 25c independent neighborhood theatres is stirring up a hornet's nest.

Quick Chi Spread

Chicago, Nov. 22. Three weeks ago there were only two houses running dual bills in Chicago; today there are approximately 26 houses on a three-bill policy and more are being added daily. At first it was merely a battle between the Essaness North-center and the Balaban & Katz Belmont. Today it takes in many of the B. & K. and Essaness theatres.

It has brought about a situation from which the exhibs see no exit, and no possible idea of where they are going from here. For not only are they giving away three pictures for the price of one, but they are giving away, in addition, stockings, kitchenware and other items which range in cost from 3c to 10c. The margin of profit today is lower than it has ever been in the history of local exhibition, considering the per item cost and revenue.

Triple-features are such outstanding nabe houses as the Vogue, Davis, Buckingham, Elphie, Woodward, Biograph, with other key theatres joining the parade, due to the tremendous pressure of the bargain competition.

Loop's Duals

And the loop, which had previously been considered forever free of bargain picture policies, has gone over to double features. Woods and Garrick are doubling regularly now with the Balaban & Katz Apollo slated to be added to the bargain policy list shortly.

Latest hair-tearer for the nabe houses is the loop stunt of doubling absolute first-run flickers in the ace houses under the label of 'pre-view' and 'pre-opening.' B. & K. has often spotted a new picture on top of the regular bill at the Chicago flagship when its prime house has been suffering a bad week. This unbilled double bill is attached to the Thursday finale show to boost the closing day's business.

Last Friday (18) B. & K. gave 'em

U Grooming for Cummings

Hollywood, Nov. 22. Robert Cummings gets one of the two male spots opposite Deanna Durbin in 'Three Smart Girls Grow Up' at Universal.

Deal is for one picture with options. If Cummings clicks he will be turned over to Joe Pasternak for development as possible stellar material.

FABIAN'S DEAL FOR BRILL'S 8 HOUSES

A theatre deal of major importance is in process of negotiation under which the Fabian circuit would acquire control of the former Sol Brill chain on Staten Island, now known as Par-Land Theatres, Inc. Due to the fact that the estate of the late Sol Brill and others is involved, the negotiations are somewhat complicated but expected by Si Fabian, president of the circuit bearing his name, that papers may be ready for signing in a week or 10 days.

A highly-successful circuit for many years, when Brill was alive and since then, Par-Land blankets Staten Island through operation of a total of eight houses. Fabian is seeking 100% control, and expected that the Paramount, Stapleton, which is pooled in Par-Land, will continue under the present arrangement following closing of any deal swinging the Brill houses to Fabian.

Par invaded the island several years ago, the pooling arrangement following. The other houses involved are the Strand, Great Kills; New Dorp, New Dorp; Ritz, Port Richmond; St. George at St. George; Liberty, Stapleton; Stadium, Tottenville; and the Capital, West Brighton. Harry Shiffman, with Brill many years before he died and general manager of the circuit, is reported resigning effective Jan. 1. His future plans are not yet set. Shiffman states he may be ready to make an announcement in two weeks.

Fabian's incursion of Staten Island would increase this important eastern circuit to nearly 40 houses. In addition to operating the Paramount, Fox and Strand, Brooklyn, under a three-way pool, Fabian has 28 other theatres under its operation in New Jersey and New York state.

Understood that at one time the Bull S. I. circuit was offered to Paramount.

Corrigan Pic Moves

Hollywood, Nov. 22. 'The Flying Irishman,' Douglas Corrigan starrer, finally got the gun at RKO. First scenes were shot at Grand Central Airport, where Corrigan landed his transatlantic crate on a flight from San Francisco.

Under a separate contract, nobody but Corrigan is allowed to handle the ship. It had been parked in Frisco since the finish of his barnstorming tour.

Corrigan was optioned for two more pictures after RKO execs garnered his tests for 'Irishman.' If the studio exercises its option, the flyer's earnings for three films will total close to \$400,000. On the current picture he draws \$25,000 for his life story and \$100,000 for acting.

a daytime double feature by slapping 'Great Waltz' (MG) into the United Artists at 5 p.m. with the early comers notified that they could see both 'Waltz' and the outgoing 'Citadel' (MG) on the same bill.

**IN NEW YORK,
BOSTON, PHILLY**

Embrace Cashiers, Doormen and Ushers — In N. Y., Would Also Take In Janitors, Scrubwomen and Watchmen

STARTS IN 10 DAYS

Campaign to organize film theatre employees from doormen and cashiers to janitors and scrubwomen, all under the International Alliance of Theatrical Stage Employees banner, is scheduled to get under way in the next 10 days in New York City, Brooklyn, upstate New York, Boston and Philadelphia. Generally liberal setup, both as to setting up separate unions and in organizing, is reported to be the keynote of the impending drive.

Cashiers, doormen and ushers are to be organized in Brooklyn under the supervision of leaders in the stagehands' union. In New York City, janitors, scrubwomen and watchmen are invited to join the Building Maintenance Union, headed by George Sealise. He's now organizing in New York City.

Actual organizing of cashiers, doormen and ushers in New York will be launched under new leadership to be set today. New York area is classed as extending as far north as Albany and west to Binghamton. Apparently the reason for definitely assigning this organizing work to different unions or organizers is the rather lukewarm results obtained six months after the meeting in Cleveland, although \$100,000 is reputed to have been raised for the drive to get ushers, doormen and cashiers into a union at that time. Now the intention is to give out the organizing franchise to others when local IATSE heads do not produce desired results.

Hub Looks Tough

Boston, Nov. 22. Drive to organize New England picture houses by the IATSE is figured to be a tough job hereabouts because many exhibitors do not want unions to tell them what they can and cannot do with their cashiers, doormen and ushers.

Union organizers are all the more anxious to put the campaign across because they claim that doormen, ushers and in some cases relief cashiers have been pressed into service as candy salesmen in the lobby.

Raft, Lamour Romance Some More for Par

Hollywood, Nov. 22. George Raft and Dorothy Lamour are due to continue as a romantic duo, with Paramount lining up a group of stories for them. Latest co-starrer is 'Two-Time Loser,' to follow their current film, 'Moon Over Burma.'

Idea is based on the success of Raft and Miss Lamour as a twosome in 'Spawn of the North.'

The 7 Kids Are Clever

Los Angeles, Nov. 22. RKO filed seven moppet contracts for approval of superior court. Pact with Peter Holden calls for six weeks work next summer and option for seven-year ticket ranging from \$500 to \$2,000 a week.

Six other contracts covered one-picture deals with kids in 'White Slaves' and option on seven-year tickets. Youngsters are Roger Daniel, James McCallion, John Edward Fitzgerald, Walter Ward, Walter Fetzler and Paul White.

**Buying Rush in Chi as Exhibs
See Suits Will Be Long Delayed**

Gleason, Rep. Make Up

Hollywood, Nov. 22. James Gleason inked a contract to make four Higgins Family pictures a year at Republic. Actor and studio had been at outs for weeks, following abrogation of his four-way contract as producer-director-writer-actor. New pact calls for Gleason to act and aid on stories. In the series will be his wife, Lucille, and son Russell.

MUST DISCLOSE B.O. GROSS IN N. M. TOWN

Denver, Nov. 16. Under terms of an ordinance passed by the city council of Hot Springs, N. M., theatres must reveal their gross business each year. The council gives as an excuse the reason they might be thus able to determine whether the license tax of 25c a seat annually is too high. Exhibitors in other towns are worried for fear their own council might get similar ideas. The gross business statement applies to every business in the town.

Trying to Ease Amus. Tax

Seattle, Nov. 22. Gov. Martin of the state is working to cut down the budgets of his various state departments so as to avoid imposing higher state taxes directly on theatre admissions. To avoid this danger, cities are trying to allocate more monies from the state gasoline taxes to city street uses.

New Theatres

Montreal, Nov. 22. The York, 14th picture house (second run) of the United Amus. Corp. chain in this city and province, opened Friday (18) with 'Algiers' and 'Gateway' to capacity audience. House has 1,100 seats with prices 25-34-40. UAC is affiliated to Famous Players (Canadian) Corp. which operates all but one of the first-run houses in Montreal, presently under lease to Consolidated Theatres, Inc.

\$55,000 Bid

Lynchburg, Nov. 22. Offer of \$55,000 for 25-year-old Academy theatre here is before stockholders of Academy of Music Corp. Bid has been submitted by C. & F. Theatres Corp., operating the former legit spot as a film house for several years under a long-term lease.

Philadelphia, Nov. 22. Latest in the long list of recent house openings here is the Alden, in East Falls section of the city. Operated by Charles Goldfine, it was unveiled last Wednesday (18). Remy, South Philly, set to open Thursday, as is Nixon's Grand, vaudeville Negro house.

Nancy Kelly Back West

Nancy Kelly left yesterday (Tues.) for Coast to prepare for additional scenes for 'Tailsnip,' following appropriation of an additional \$100,000 by Darryl Zanuck on the picture. She has been east on brief visit concurrent with opening of 'Submarine Patrol,' her first picture for 20th. Miss Kelly is also in Jesse James' under fast buildup by 20th.

Chicago, Nov. 22.

Picture buying started with a rush here last week after having been held since the beginning of the season. Exhibitors had been holding off in the hopes that the present Allied suit against Balaban & Katz and the major distributors would be decided before they ran out of product.

But it now appears that the Allied suit will not be a quick trial; and the exhibitors are rapidly reaching the end of their 1937-1938 product availabilities.

Exchanges which had been only 10-30% sold until last week, and then mostly on returns from the downstate situations, suddenly roomed to 70-90% sales of their total possibilities as the exhibs rushed to sign contracts for 1938-1939 product.

Buying started when the exhibs realized that they could not possibly hold off buying until the Allied suit was decided; so inked deals on the present releasing system and schedule instead of the hoped-for revised clearance set-up.

It means that any changes ruled by the Federal courts in the Allied suit will not affect the film industry during the coming season, but will go into effect with the start of the 1939-1940 releasing season.

More Deals

Late deals of importance closed by James R. Grainger for Republic on a swing through the south include Saenger's 87 theatres in Louisiana, Mississippi and Alabama; and the E. J. Sparks Par chain in Florida, numbering around 80 houses. Franchise holders in both cases sat in with Grainger on the negotiations, with Gaston Dureau closing for Saenger and Frank Rogers on the Sparks deal.

Rep has also sold the Comerford New York string of 15 houses. Jack Beilman, eastern sales manager, closed this one.

RKO has signed a contract with Universal to play the 12-chapter serial, 'Scouts to the Rescue,' in its N. Y. and Westchester theatres. Serial will be added to dual bills. New five-year franchise for the Kansas City territory has been closed with Republic, retroactive to July 1. Herbert J. Yates, head of Rep, was in K. C. on deal on way to the Coast. Robert F. Withers and C. A. Schultz signed for the franchise-holding company.

Selling on Coast Far Ahead

Los Angeles, Nov. 22. Selling season in Southern California film exchanges is farther advanced than at any corresponding time in recent years. Major distributor organizations have the bulk of their product under contract, particular Warner-First National, with all but a dozen possible accounts closed.

Selling season ordinarily runs over the Christmas holidays, and in some cases, into February.

Hogg Into Baker

Philadelphia, Nov. 22. Charles Hogg, 15-year-old Philly high school kid who went out to the Coast a month ago, has been re-monickered Buddy Baker by Republic and will have a featured part in the company's 'Orphans of the Street,' to be released shortly.

Harry LaVine and George Fishman, of the local Republic exchange, discovered the kid singing at a Temple University alumni meeting.

SANDERS 'SAINTED'

Hollywood, Nov. 22. George Sanders, borrowed from 20th-Fox, replaces Louis Hayward as the male lead in 'The Saint' series at RKO. Hayward and the studio split on salary. Sanders is en route from London, where he has been working for 20th-Fox. 'The Saint Strikes Twice' will be his first role at RKO.

de la Cavalerie middling \$3,500.

Tough Guys-Berle Sock \$26,000, 'Waltz' \$18,000, Wings' Bob Crosby 34G, Oriental 17G, Chi Very OK

Chicago, Nov. 22. Two houses join the big parade in the loop currently, while a third drops out of the running. Jones, Linick & Schaefer have reopened the Oriental, dark since June, with its former State-Lake vaudeville policy at 40c. top. The State-Lake, now under Balaban & Katz management, is dark for remodeling and redecoration, to be reopened Christmas Day with vaudeville.

Essance, which has had the Woods for the past two months, now moves up into big-time opposition in the loop with topnotch flickers. Starts currently with 'Mars Attacks the World' (U) coupled with 'Storm Over Bengal' (Rep).

Other houses are striving with the best efforts and all are doing good, solid trade. Palace comes through with Milton Berle on the stage which is pretty much of a guarantee of profits for any house in this town where Berle is a stand-out favorite. United Artists has 'Great Waltz', which comes in with plenty of 'Hollywood' getway stuff.

Bob Crosby orchestra is adding considerably to the gross of the Chicago currently in conjunction with 'Men with Wings'. Additional action is at the Roosevelt where 'Submarine Patrol' is garnering an okay gross.

Estimates for This Week
Apollo (B&K) (1,200; 25-35-65-75)—'Suez' (20th). Moved here after two good weeks in the Chicago and will continue here to near \$5,000 currently. Last week, 'Sisters' (WB) managed okay \$5,300.

Chicago (B&K) (4,000; 35-55-75)—'Men Wings' (Par) and Bob Crosby orchestra on stage. Heading into strong coin, at \$4,000. Last week, 'Suez' (20th) finished a good fortnight to near \$30,000.

Garrett (B&K) (900; 35-45-55)—'Listen Darling' (M-G) and 'Mysterious Moto' (20th). Satisfactory session in order at \$5,000. Last week, 'Dark Rapture' (U) and 'Time Out' (20th) strong \$6,500 for goona-goona item.

Oriental (Jones) (3,200; 25-30-40)—'Vacation from Love' (M-G) and vaude. Freddie Bartholomew heading into stage for first season of this house under Jones, Linick & Schaefer operation. Heading to fine profits for inaugural at \$17,000.

Palace (RKO) (2,500; 35-55-75)—'Little Tough Guys' (U) and 'Suez' (20th). Milton Berle topping the show and accounting for bulk of the fine take currently which will raise the wicket to hangup \$26,000. Last week, 'Service de Luxe' (U) managed solid \$22,100.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Submarine Patrol' (20th). Strong action flicker that is garnering satisfactory \$11,000 for initial gallop. Holds over. Last week, 'Brother Rat' (WB) wound up a disappointing two-weeker to mild \$7,800.

United Artists (B&K-UA) (1,700; 35-55-65-75)—'Great Waltz' (M-G). Opened Friday night (18) and looks for \$18,000, solid for first season. Last week, 'Citadel' (M-G) finished a two-week stay to so-so \$9,500.

Woods (Essance) (1,200; 25-35-40-50)—'Mars' (U) and 'Bengal' (Rep). OK strength of 'Wanted' Police the 'Mars' flicker booming the gross to \$7,000.

'Wings,' 'Certain Age,' 'Drums' Top B'klyn

Brooklyn, Nov. 22. Three first-rate attractions bringing Brooklynites from every corner of the borough into the downtown area to view the new winged wings at Fabian. Paramount that 'Certain Age', at RKO Albee, and 'Drums', at Loew's Metropolitan. Also satisfactory is vaude and picture setup at Strand this stanza.

Estimates for This Week
Albee (3,274; 25-35-50)—'Certain Age' (U) and 'Man Remember' (RKO). Fine attendance will give house corking \$18,000. Last week, 'Suez' (20th) and 'Mr. Doodle' (RKO) (2d final week) produced neat \$14,000.

Fox (4,089; 25-50)—'Girls School' (Col) and 'Torchy Man' (WB). Slightly down at \$13,000. Last week, 'Sisters' (WB) and 'Big Girl' (Mono) (2d final week) good \$15,000.

Met (3,818; 25-50)—'Storm' (U) and 'Drums' (UA). Good notices will boost biz to happy \$17,000. Last week, 'Dr. Kildare' (M-G) and 'My Heart' (UA) fine \$20,000.

Paramount (4,128; 25-35-50)—'Men Wings' (Par) and 'Night Hawk' (Rep). Good \$21,000. Last week, 'The King' (Par) and 'Big Girl' (Mono) (2d final week). Turned in nice \$18,000.

Strand (2,870; 25-50)—'Swing Cider' (U) and vaude featuring Lucky Millinder's orch. Okay \$13,000. Last week, 'Road Renos' (U) and vaude, fine \$12,500.

'MANTON'-KILDARE' OK 9G IN SO-SO DENVER

Denver, Nov. 22. Grosses on the pre-holiday session size up as so-so. Nothing is able to climb into the really big class, but on the other hand there's also nothing to cry about.

Epiphany is grabbing off top coin with 'Miss Minton' and 'Young Dr. Kildare', dualled.

Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—'Sisters' (WB). After a week at the Denver this one moved here to nice \$3,800 results. Film will shift to Rialto next. Last week 'Suez' (20th), after a week at the Denver, did a nice \$4,000, and went to the Rialto.

Broadway (Fox) (1,100; 25-40)—'Citadel' (M-G) and 'Listen Darling' (M-G). Both after a week at the Epiphany. Holding a fair \$2,000 clip here. Last week 'Stablemates' (M-G) and 'Mr. Doodle' (RKO) got by at \$2,000. The pair had already played in fine business at the Epiphany for 10 days.

Denham (Cockrell) (25-35-40)—'Men Wings' (Par) (2d wk). Good enough to draw down an okay \$8,000 on the hold-over stanza. Last week same film did a big \$11,500.

Denver (Fox) (2,525; 25-35-50)—'Young Heart' (UA). Paced at a fair \$5,300. Last week 'Sisters' (WB) was good enough at \$5,000 to be moved to the Aladdin.

Epiphany (RKO) (2,600; 25-35-40)—'Miss Minton' (RKO) and 'Dr. Kildare' (M-G). Teamed for a nice enough \$9,000, and will move to the Broadway from here. Last week 'Citadel' (M-G) and 'Listen Darling' (M-G) were strong at \$10,000, and did an additional \$1,000.

Paramount (Fox) (2,200; 25-40)—'Road to Reno' (U) and 'Youth Takes Flight' (U). Clocking at \$4,000, good. Last week, 'Queen of Hearts' (U) and 'Mr. Moto' (20th) were satisfactory at \$4,000.

Rialto (Fox) (878; 25-40)—'Suez' (20th). After a week at the Rich Denver and Aladdin and Last Express' (U). Holding a good \$2,000 gait. Last week 'Can't Take It' (U) (Col), after a week at each the Denver and Broadway, and 'Torchy Man' (WB) \$2,000, okay.

'SISTERS' 17½G, 'MATES' H. O. TOP HUB

Quitting down with medium product after a good holiday stanza last week, the clanky is marking time until Thanksgiving, when more important product comes in. 'Stablemates', dualled at the Loew houses, is making a good showing on hold-over stanza. 'Sisters', also dualled, leads the first runs at the Met.

Estimates for This Week
Fenway (M&P) (1,332; 25-35-40-55)—'Hans and Gretel' (WB) and 'Illegal Traffic' (Par). Getting medium b.o. attention at \$7,500. Last week 'Brother Rat' (WB) and 'Five of Kind' (20th) (2d wk) very pretty \$9,000.

Keith Memorial (RKO) (2,907; 25-35-40-55)—'In Society' (U) and 'Annabel on Tour' (RKO). Moping along into dull \$10,500. Last week, 'Miss Manton' (RKO) and 'Man Remember' (RKO), very strong \$18,300.

Metropolitan (M&P) (4,367; 25-35-40-55)—'Sisters' (WB) and 'Gangster's Bord' (Mono). Pairy producing \$17,500 pace. Last week 'Suez' (20th) and 'Torchy Man' (WB), disappointing, but aided by holiday to \$12,000.

Orpheum (Loew) (2,900; 25-35-40-55)—'Stablemates' (M-G) and 'Listen Darling' (M-G) (2d wk.). Very good \$12,000 indicated. First week terrific \$20,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Hard to Get' (WB) and 'Illegal Traffic' (Par). Medium \$9,000. Last week 'Brother Rat' (WB) and 'Five of Kind' (20th) (2d wk.) \$10,000, excellent.

Scollay (M&P) (2,538; 25-35-40-50)—'Brother Rat' (WB) and 'Five of Kind' (20th) (2d wk.). Last week good for \$6,500 or better. Last week 'Men Wings' (Par) (2d run) and 'Higgins Family' (Rep) (1st run) combined for okay \$7,000.

St. Louis (U) (3,600; 25-35-40-55)—'Stablemates' (M-G) and 'Listen Darling' (M-G) (2d wk.). Very good \$11,000. Opening week big \$16,000.

First Runs on Broadway (Subject to Change)

Week of Nov. 24
Capitol — 'The Great Waltz' (MG).
(Reviewed in VARIETY, Nov. 2)
Criterion — 'Listen Darling' (MG).
(Reviewed in VARIETY, Oct. 19)
Globe — 'Crime Takes a Holiday' (Col) (28).

Music Hall — 'Cowboy and the Lady' (UA).
(Reviewed in VARIETY, Nov. 9)
Paramount — 'Arkansas Traveler' (Par) (2d wk.).

Rialto — 'Exposed' (U) (21).
(Reviewed in Current Issue)
Rivoli — 'Little Tough Guys in Society' (U) (2d wk.).

Roxy — 'Submarine Patrol' (20th) (2d wk.).
Strand — 'Angels with Dirty Faces' (WB).
(Reviewed in VARIETY, Oct. 26)

Third week of Dec.
Astor — 'Pygmalion' (MG).
(Reviewed in VARIETY, Sept. 7)
Capitol — 'The Great Waltz' (MG) (2d wk.).

Criterion — 'Arrest Bulldog Drummond' (Par).
(Reviewed in Current Issue)
Music Hall — 'Cowboy and the Lady' (UA) (2d wk.).

Paramount — 'Say It in French' (Par) (30).
Rialto — 'Law West of Tombstone' (RKO) (28).
Roxy — 'Just Around the Corner' (20th).

(Reviewed in VARIETY, Nov. 2)
Strand — 'Angels with Dirty Faces' (WB) (2d wk.).

'Cowboy' Gallops Off With \$7,500 in Port.

Portland, Ore., Nov. 22. 'Cowboy and the Lady' heads this week's openers as a big b.o. winner at the Broadway. Two other pix in the maza are 'Mad Miss Manton', at the Epiphany, and 'Shining Hour', at Parkes. 'Cowboy' rated a second week at the Paramount and 'You Can't Take It With You' goes merrily on at the Mayfair.

Estimates for This Week
Broadway (RKO) (3,000; 30-40-50)—'Cowboy and Lady' (UA). Good advance bally and answering for big \$7,500. Last week 'Great Waltz' (M-G) and 'Youth Fling' (U) garnered an okay \$5,300.

Mayfair (Parker-Evergreen) (1,500; 30-35-40)—'Can't Take It' (Col) (6th wk.). Still winning at \$3,000. Fifth week tallied \$3,000. First four weeks piled up big \$19,000.

Orpheum (Hamrick-Evergreen) (1,800; 30-35-40)—'Mad Miss Manton' (RKO) and 'Breaking Ice' (RKO). Went across nicely for successful \$5,000. Last week 'Men Wings' (Par) closed a fair second week at \$4,200.

Paramount (Hamrick-Evergreen) (3,000; 30-35-40)—'Suez' (20th) and 'Mr. Doodle' (RKO) (2d wk.). Hit an average pace at \$4,000. First week opened strong and ended with good \$6,500.

Rivoli (Indie) (1,100; 20-25)—'Texans' (Par) and 'Professor Beware' (Par). Oldies got an average play for \$1,600. Last week 'King Kong' (U) and 'Bring Em Back Alive' (RKO-Pathé) closed above par with \$1,900.

United Artists (Parker) (1,000; 30-35-40)—'Shining Hour' (M-G) and 'Storm' (U). Responded to bally for \$3,500. Last week, 'Listen Darling' (M-G) brought a fair \$4,300.

'Hour' Shining \$13,500 in Cleve., 'Sub' OK; Gypsy Lee-'School' NSG

Cleveland, Nov. 22. Revival of vaude in form of personal appearances isn't giving RKO's deluxe Palace here the hypo they expected it would. Although touted like a circus, Gypsy Rose Lee and 'Girls School' having trouble pulling in local crowds that are still skeptical of p.a. bills. Friday opening uninitially blah for her, due to sunny weather and a terrific pre-holiday slump that walloped all houses. Poor start will probably hold the b.o. down to \$12,000. Last week Gene Autry closed disappointing \$12,000.

'Shining Hour' is getting off to \$13,500 at State. Hipp's 'Submarine Patrol' doing enough action to keep it from dropping below average standards.

Estimates for This Week
Allen (RKO) (3,500; 30-35-42-55)—'Brother Rat' (WB). Steady biz as result of h.o. pix's strong first stanza at \$13,500. Last week, 'Man Remember' (RKO) began dying and was yanked out after five days collected only \$2,000.

B'way Total Dips, but 'Sub Patrol' Good \$48,000, 'Ark. Traveler'-Larry Clinton 38G, '60 Years' 50G, H.O.s OK

Holdovers, two of them on third weeks, coupled with lack of strength in new product, is holding down Broadway's total gross this week. The alibis include a rainy Saturday and possible patronage indifference in advance of Thanksgiving, for which budgets must be watched with a lot of folks.

Best on the street but under hopes are 'Submarine Patrol' at the Roxy and 'Arkansas Traveler', with the Larry Clinton band, at the Paramount. Both shows are in for two weeks. 'Sub Patrol' will be about \$48,000 at the Roxy with the aid of tomorrow's Thanksgiving holiday prices, while the Par last night (Tues.) ended its first week with 'Traveler' and Clinton at \$38,000. Par gets the benefit of Thanksgiving on the second week, following which the house brings in 'Say It in French' and Count Basie for one week only.

'Sixty Glorious Years', British-made, failed to catch on but will be only \$50,000 or thereabouts very disappointing at the Music Hall. House opens 'Cowboy and Lady' tomorrow (Thurs.), with reported big advance sale.

Third weeks for 'Citadel' (Capitol) and 'Brother Rat' and Al Donahue (Strand) are neck and neck. Both have a fair chance to ease up to \$20,000. Cap brings in 'Great Waltz' tomorrow (Thurs.) for the holiday, while the Strand ushers in 'Angels with Dirty Faces' and Ted Lewis Friday (25).

'Little Tough Guys in Society' not

'RAT' 5½G IN OKLA.
Warm Weather Heats Grosses—'Brother Rat' \$5,500, 'Algiers' 4½G

Oklahoma City, Nov. 22. Exceptionally warm weather for this time of year and nice line up on films promises good week ahead. 'Brother Rat' at Midwest and 'Young In Heart' at Criterion top numbers at \$5,500 each. Arkansas Traveler to Tower for second week. 'Algiers' to hit \$4,500 at State.

Estimates for This Week
Criterion (1,500; 25-35-40)—'Young Heart' (UA). Okay \$5,500. Last week 'Great Waltz' (M-G) dropped to average \$5,200.

Liberty (Stan) (1,200; 20-25)—'King Alcatraz' (Par) and 'Touchdown Army' (Par), split with 'Road Demon' (U) and 'Tarnished Angel' (RKO). Hitting nice \$2,800. Last week 'Renegade Ranger' (RKO) and 'Vacation from Love' (M-G), split with 'Sons of Legion' (Par) and 'Torchy Man' (WB), average \$2,500.

Midwest (Stan) (1,500; 25-35-40)—'Brother Rat' (WB). Piled good \$5,500. Last week 'Arkansas Traveler' (Par), good \$5,200.

State (Noble) (1,100; 20-25-40)—'Algiers' (UA). Looking part at \$4,500. Last week 'Can't Take It' (4th wk) did okay \$3,000.

Tower (Stan) (1,000; 25-35)—'Arkansas Traveler' (Par). Brought over here from Midwest. Doing \$2,900 average. First week 'Miss Manton' (holdover from Criterion), nice \$2,800.

doing anything for the Rivoli which will be lucky to get \$7,000 with this one. House may close down if product doesn't improve. Another that's getting nowhere is 'Illegal Traffic' at the Criterion. It will have to stretch to reach \$6,500. 'Exposed' opened Monday (21) at the Rialto, replacing 'Tarnished Angel', which on the week aroused little interest, only \$6,000.

'Mr. Wong, Detective', Globe's new one, looks about \$8,000, good. House dipped sharply last week on hold-over of 'Gangster's Boy' (2d run) after having nabbed a good first seven days' business of \$7,500.

'State with Stablemates' on second run and 'Exposed' on Bines band and others in person, is under average but may push to \$20,000, getting by. The dual-billing Palace, getting no breaks with 'Sisters' (2d run) and 'Torchy Gets Her Man' (1st run), closes both tonight (Wed.) after six days at only \$6,000, and tomorrow (Thurs.) brings in a new show, 'Certain Age' (U) and 'Man Remember' (RKO).

'Man Antoinette', which last week (14th) got only \$4,800 at the Astor, closes Sunday night (27). 'Pygmalion' opens Dec. 1 on a pop-perf 75c. top policy.

Estimates for This Week
Astor (1,012; 55-110-165-65-220)—'Antoinette' (M-G) (15th-final week). Last week (14th), \$4,800, low. Closes Sunday night (27), with 'Pygmalion' (RKO) and 'Gangster's Boy' (2d run) on scale, grim policy.

Capitol (4,520; 25-35-55-65-125)—'Citadel' (M-G) (3d final week). May get up to \$20,000 on final semester, okay. Last week (2d) around \$32,000. Good first seven days at \$45,000 for handsome profit on 21-day run.

Criterion (1,682; 25-40-55)—'Illegal Traffic' (Par). Lacks the wheel-and-lugger of better than \$5,500 taps, mild. Last week, 'Vacation from Love' (M-G), \$5,500, poor.

Globe (1,274; 25-40-55)—'Mr. Wong' (Mono). Indications point to good \$8,000. Last week, second for 'Gangster's Boy' (2d run), the gross fell to \$5,200 after a weak first week's take of \$7,500.

Palace (1,700; 25-35-55)—'Sisters' (WB) and 'Torchy Gets Her Man' (WB) (1st run), dualled. Piled freight tonight (Wed.) after only six days at \$6,000, very disappointing. 'Certain Age' (U) and 'Man of Tomorrow' (RKO) (2d run), also disappointing, opens tomorrow morning (Thurs.). Last week's brace, 'Suez' (20th) (2d run) and 'Swing Cheer' (U) (1st run), \$9,500, good.

Paramount (4,564; 25-35-55-95-99)—'Arkansas Traveler' (Par) and Larry Clinton orchestra plus Eleanor Whitney. Starts second week today (Wed.) after first seven days of \$38,000, hurt by weak weather but okay. Last week, third, for 'Men with Wings' (Par) and Mark Warnow, Raymond Scott, and others, \$38,000, good.

Radio City Music Hall (5,980; 40-60-84-99-165)—'60 Glorious Years' (State) and stage show. English-made sequel to 'Victoria the Great' (RKO) and 'Can't Take It' (4th wk) and lucky if topping week \$50,000. Last week, 'Young in Heart' (UA) on the holdover got \$75,000, agreeable. Advance sale on 'Cowboy and Lady' (UA) proved only lukewarm at the b.o. \$6,000.

Rivoli (2,092; 25-40-55)—'Tough Guys' (U). Lucky if over \$7,000. Poorness of product, with house taking it on the chin for long time now, may force an early closing although Riv signed a first run deal with U 24 of its 38-39 films. Last week, 'Hard to Get' (WB) dipped under \$8,000, bad.

Roxy (5,836; 25-40-55-75)—'Submarine Patrol' (20th) and stage show. Poor week-end on street holding this one down to about \$14,000, a fine note but good, and will hold over. Last week, second for 'Certain Age' (U), \$42,000, very nice. 20th-Fox has backed by great campaign and sweet notices, nabbed only \$14,000, so-so, considering its standing.

Stillman (Loew's) (1,972; 30-35-42-55)—'Great Waltz' (M-G). Move-to-his-bidder is holding steady at \$6,000, satisfactory. Last week, 'Citadel' (M-G) was just a crick' pix, \$5,500 hurting.

Strand (2,767; 25-55-75)—'Rat' (WB) and, on stage, Al Donahue band, Jane Bryan and others (3d final week). Jane Bryan replaced Hugh Herbert for current (final) stanza and business okay, maybe \$20,000. Second week was \$30,000, while first \$41,000, a fine note on the 21-day engagement. 'Angels with Dirty Faces' (WB), heavily ballyed and Ted Lewis, Eddie Leonard and others, opens Friday (25).

'Stablemates' (M-G) (2d run) and stage Joe Rines orch. Ella Logan, others. Business not so brisk as of late but perhaps should be. Last week, 'Listen Darling' (M-G) (2d run) (2d week) and Milton Berle (2d week), near to \$30,000, excellent.

Heidt-Manton' Sock 2G in Bullish Pitt; 'Rapture' \$5,500, 'Hour' Slow

Pittsburgh, Nov. 22. Improvement noticeable in a few sections continuing bright this week, with everything up nicely and indications pointing to first-rate fall season. Town gets another first-run de luxe house, Harris-Senator, formerly the Aldine, on Thursday (23rd), giving WB Stanley its first flesh Campbell in couple of years and adding 2,000 more seats to downtown sector. Probable this will cut in on others somewhat, but real tip-off will hardly come for several weeks since recent biz impetus should weather the increased cold waves.

Stanley head and shoulders above pack currently with 'Jorace Heidt', helped by 'Mad Miss Manton', heading for his best grosser here so far. 'Citadel', moving to Warner's, had a big week at Penn, and displays plenty of zip and going strong. Only real disappointment is 'Shining Hour', doing poorly, despite abundance of cast members. 'Rapture' did not swell campaign at Fulton and cashing in little while sell notices for 'Girls School', on dual with 'Mister M. Moto', is giving Alvin better than average run in trade.

Estimates for This Week
Alvin (Harris) (1,850; 25-50)—'Girls School' (Col) and 'Mr. Moto' (20th). Considering complete absence of marquee draw, not bad at all. 'School' (Col) and 'Moto' (20th) flicker by all of the critics and getting considerable attention with 'Moto' holding up its end with the whodunit crowd. Looks like average \$4,000, not exceptional, but better than usual twinner does here. Last week, second of 'Suez' (20th) all right at \$6,900 on top of \$14,000 opener.

Fulton (Shea-Hyde) (1,750; 25-40)—'Dark Rapture' (U). Producers Armand Denis and Leila Roosevelt in town for couple of days preceding opening and get plenty of free space in the newspapers, along with flock of radio broadcasts. Started slowly, but accumulation of publicity and excellent reviews turned the trick. Better than \$5,500 in eight days strong. 'Rapture' (U) good at \$5,000 and could have held. Penn (Loew-UA) (3,300; 25-35-50)—'Shining Hour' (M-G) and 'Suez' (20th) all that's saving this one from complete nosedive. Got a panning generally, but stars enabled it to get away last and salvage considerable. Won't do more than \$1,000, but this type of product. Last week 'Citadel' (M-G) the surprise click of season, \$22,000 and a h. c.

Stanley (WB) (2,400; 25-40-60)—'Miss Manton' (RKO) and Horace Heidt. Latter always big on stage here, but bigger than ever this time. Holding even with 'Rapture' figures, but he'll get Thanksgiving Day too, probably one of best days of year here, and take then should boost figure to around \$2,000, great. Last week, 'Moto' (20th) on stage out of the money for first time, with 'Drums' (UA) 'setting only \$16,000.

Larner (WB) (2,000; 25-35-50)—'Citadel' (M-G). Here after socko session at Penn, and will do the same for Warner. Hitting on all eight, and will finish pretty close to \$5,000, which is little short of spectacular at this spot. Last week 'Vacation from Love' (M-G) and 'Girls on Probation' (WB) terrible at \$3,800 in eight days.

OMAHA ONLY SO-SO

Auto Show Competes—'King' and 'Giants' Each 9C on Duals

Omaha, Nov. 22. Tri-States' Omaha and Orpheum were running neck and neck for top gross honors, with the smaller Omaha doing better business on a comparative percentage basis. So-so grosses among first-runs and suburban reflect 'King's' lack of business activity which is n. g. Holidays will help.

City a bit theatre conscious with Roy Rogers horse opera star here for p. a. at the Orpheum (21) in connection with premiere of 'Come On Rangers'. Landed nice newspaper space, 'King' was drawing the class trade to the Omaha for a husky \$9,000. 'Giants' (Col) good for same figure at the Orpheum. The Paramount and Brandeis were stuffing pictures in a split week.

Competish strong from auto show at Ak-Sar-Ben Coliseum which drew close to 25,000 in six days ending Sunday (20).

Estimates for This Week
Avenue-Duals MILITARY (Goldberg) (950-810-650; 10-25)—'Boys Town' (M-G) split with 'Sing Sinners' (Par) and 'Give Million' (20th), dual. Strong finish will get \$2,400, nice. 'Sing Sinners' (Par) (FN) and 'Lucky Star' (20th), dual, split with 'Boys Town' (M-G). Slowed down to \$2,300, but good.

Brandeis (Singer-RKO) (WB); 25-35-40)—'Rapture' (U) and 'Tarnished Angel' (RKO), dual, split with 'Breaking Ice' (RKO) and

'Smashing Rackets' (RKO), dual. Well satisfied with fairish \$4,700. Last week, 'Brother Rat' (WB) and 'Tarnished Angel' (RKO), dual. Ended strong for \$6,000, sweet.

Orpheum (Blank) (2,000; 10-25-40)—'If King' (Par) and 'Safety in Numbers' (20th). Set for \$9,000, excellent. Last week, 'Men Wings' (Par) and 'Campus Confessions' (Par). Had strong build at end for smash \$10,500.

Valley of Giants' (WB) and 'Five of Kinds' (20th). Aiming at \$9,000, steady. Last week 'Young in Love' (UA) and 'Vacation from Love' (M-G) \$9,100, very good.

Paramount (Blank) (3,000; 10-25-40)—'Rangers' (Rep) and 'Campus Confessions' (Par), dual, moved here from Omaha for second week, split with 'Four's Crowd' (WB) and 'Strange Faces' (U), also dual. At \$9,000, n. g. Last week 'Imitation of Life' (U) and 'Slave Ship' (20th), releases, tallied mediocre \$4,700.

Town (Goldberg) (1,250; 10-20-25)—'Come On Rangers' (Rep), 'Rapture' (U) and 'Bordertown' (RKO-reissue), first-run tripler, split with 'Pride of West' (Par), 'County Fair' (Mon), first runs, and 'saunders' (20th) on top of \$2,500.

City (21) helped for socko \$2,500. Last week, 'Painted Desert' (RKO), '10th Avenue Kid' (Rep) and 'Blond Cheat' (RKO), first-run tripler, split with 'Drums of Destiny' (Cap), first run, 'Road Demon' (20th), first run, and 'Lucky Star' (20th), tripler, good for \$1,600.

'WINGS' SOAR TO 1G IN K.C.

Kansas City, Nov. 22. B. o. gait is back in the weather, and the conclave of 8,000 state school teachers during past week was a healthy biz booster. Newman running 'virtual capacity' on 'Men with Wings' (WB) (1,000; 25-40), a mighty figure for this house.

Midland, where 'Shining Hour' and 'Blondie' are paired, also happy with \$17,500.

'Roy Town' stage unit at the Tower drawing some biz on score of its being a novelty attraction, but is somewhat out of place in this type of house, b. o. showing only average returns.

Estimates for This Week
Esquire and Uptown (Fox-Midwest) (820; 1,200; 10-25-40)—'Dark Rapture' (20th) solo day and date in both houses. Combined \$6,250 fair enough. Last week 'Around Corner' (20th) in both spots showed combined returns of \$8,000, good work.

Uptown (20th) (10-25-40)—'Shining Hour' (M-G) and 'Blondie' (Col). Smooth sailing for this combo with flimzied comic strip carrying good part of load. Set for fine \$17,500.

Newman (Paramount) (1,900; 10-25-40)—'Men Wings' (Par). Didn't wait long to get started. Set for \$11,000, de luxe figure and holds. Last week 'King' (20th) its holdover rolled along to nice \$5,000.

Orpheum (RKO) (1,500; 10-25-40)—'Magnificent Obsession' (U) and 'All Quiet' (U). Reissues in twin harness getting fair \$5,000. Last week 'Gangster's Boy' (Mon) on its own pulled \$4,750, fair.

Tower (Fox-Midwest) (2,050; 10-25-35-50)—'Five of Kinds' (20th) with 'Boystown' unit of 70 kids on stage. Flesh show okay as amateur units go, but too much novelty in this vaude house. Ringing up a smash figure. Film sharing drawing power equally. Light at \$9,000. Last week 'Road Demon' (20th) left drawing power to Hal Kemp's orch on stage. Show cut to six days to get house lined up for turkey day opening, but strong at \$13,500 on the short stay.

BEERY-ROONEY \$13,000 TOP DULL BUFF WEEK

Buffalo, Nov. 22. This week here is one of those stanzas when managers scratch their heads. Business seems to be off at the h. o. and in addition to pre-holiday antipathy there seems to be little to pull the patrons in. Three of the Shea houses have shortened their week, and the other two further reduces the grosses on paper.

'Stablemates' is the best thing in town, although the take even here is down at the Lakes. The

Estimates for This Week
Buffalo (Shea) (3,500; 30-35-55)—'Stablemates' (M-G). Okay, but considerably under recent grosses. Six-day week net reach \$13,000. Last week 'Suez' (20th) took a sharp drop toward the close, but came close to satisfactory \$14,000.

Century (Shea) (3,000; 25-35)—'Dr. Kildare' (M-G) and 'Annabel' (RKO). Business slightly better than usual here with indications of around \$7,000. Last week 'Landed' (WB) and 'Girls on Probation' (WB) strong and bettered estimates at neat \$7,200.

Great Lakes (Shea) (3,000; 30-50)—'Greedy Waltz' (M-G). Six-day period for this one with indications for fair \$8,000. Last week 'Sisters' (WB) showed substantial results with gross got up \$9,300.

Hipp (Shea) (2,100; 25-40)—'Suez' (20th) 2d run. Off here. Five-day week may see fair \$5,000. Last week 'Around Corner' (20th) down plenty for poor \$3,400.

Lafayette (Ind.) (3,300; 25-35)—'Service de Luxe' (U) and 'Freshman Year' (U). Takings are slipping for this dual. Last week 'Suez' (20th) and 'Girls School' (Col) and 'Under Suspicion' (Col) very nice business at over \$8,000.

BRIGHT 24G FOR 'HOUR'-VAUDE IND. C.

Washington, Nov. 22. 'Shining Hour', caliber marquee value which is usually spotted in Loew's ace straight pic house, is proving what can be done with Capitol, same chain's big vaude spot, and is leading town toward one of biggest grosses in months. Earle, other vaude spot, also is capitalizing on holiday atmosphere with nice pickings via 'The Sisters'.

All four straight pic houses will open new bills Thanksgiving Day (24), with only two vaude spots sticking to regular Friday bows. Thus straight pic estimates are for six days without benefit of holiday, while vaude grosses include expected upping due to holiday prices.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40-60)—'Shining Hour' (M-G) and vaude. Crawford-Sullivan-Yung combo considerably bigger name value than usual at vaude house and with Johnny Perkins-Harriet Hovotter revue the week should wind up with swell \$24,000. Last week 'Submarine Patrol' (20th) dipped to weak \$15,000.

Columbia (Loew) (1,243; 25-40)—'Suez' (20th) (2d run). Six days should get big \$5,000. Last week 'Stablemates' (M-G) (2d run) built to good \$6,000.

Earle (WB) (2,216; 25-35-40-60)—'Sisters' (WB) and vaude. Solid \$18,000. Last week 'Arkansas Traveler' (Par) and Ted Lewis orch, good \$19,000.

Keith's (RKO) (1,830; 35-55)—'Service de Luxe' (U). Bucky opposition toward passable \$4,500 for six days.

Newman (RKO) held surprisingly to good \$9,500.

Met (WB) (1,600; 25-40)—'Brother Rat' (WB) (2d run). Second week here heading to \$3,500 for six days. Last week same pic took big \$6,800.

Palace (Loew) (2,242; 35-55)—'If King' (20th) (2d wk). Six days looking at nice \$9,000. Last week same pic took solid \$16,500.

Jane Withers-Ritz Bros. \$3,000 in Tepid Lincoln

Lincoln, Nov. 22. Turn in money has moved to the Lincoln, where Jane Withers, coupled with the Ritz Brothers ('Always Trouble' and 'Straight, Place and Show'), will go comfortably to \$3,000.

'Drums', the class money jangler of last week, went into the Varsity to be replaced by the new 'Brother Rat' to the Kiva for a h. c. Orpheum, with only Thanksgiving before going dark for the long promised remodeling, is taking some of the stuff single features while making time. Meantime actions are being rammed fast into the Liberty by J. H. Cooper, who loses the house. Jan. 1, when it becomes the property of the NTL-Noble string, his opposition.

General biz tone is not especially healthy. First Fresh was the booking (20) of Roy Rogers for a one-day personal at the Colonial, the start of his national p. a. tour.

Estimates for This Week
Colonial (NTL-Noble) (Monroe) (750; 10-15)—Rollin' Plains (GNY) and 'Amateur Crook' (Cap) split with 'Billy the Kid Returns' (Rep) opening with personal. (20) appeared in last week's 'Suez' (20th) half a fancy, garnering \$1,500. Last week 'Songs and Bulls' (Spec) and 'Leathernecks' (Rep) split with 'Ar-

Autos-Vallee Dominate Frisco, But 'Can't Take It' \$18,000, 'Cowboy' 12G

San Francisco, Nov. 22. Terrific competition from the annual Auto Show, at which Rudy Vallee broke all attendance records, and a warm spell which kept most people out of doors have cut into biz considerably. This in spite of the fact that Market street theatres are showing some of the best pictures of the year.

Among those theatres able to overcome the interest in the gas baggies and the desire to remain in the sun were the Orpheum, which is doing phenomenal biz with 'You Can't Take It With You', and the United Artists, which is rising high with 'Cowboy and the Lady'. Customers are not waiting up to the Warfield theatre box office in as great numbers as anticipated.

Estimates for This Week
Fox (F-WC) (5,000; 35-55-75)—'Brother Rat' (WB) and 'King Alcatraz' (Par). Fox picked up plenty of extra coin on its 'Big Game Singingtime Jamoree', presented on the stage last Sunday. Following the Stanford annual grid contest, 'Rat' and 'Alcatraz' also were naturals for this football crazy town. Hefty \$18,000 pace. Last week, 'Stablemates' (M-G) (20th) and 'Reno' (U) garnered terrific \$22,000.

Golden Gate (RKO) (2,800; 35-55)—'Man to Remember' (RKO) and 'ce Carnival of 1939' on the stage. Competition offered by other houses and auto show at the Civic Auditorium only excuse given by management for disappointing \$12,500. In addition to ice carnival act, Gate offered good good opportunity via a little revue. Critics went into raves about picture. Last week 'Storm' (U) and vaudeville did strong \$18,000.

Orpheum (F&M) (2,000; 35-55)—'Can't Take It' (Col). Big hit with the natives. Although opening day's biz was just a shade below expectations, succeeding days takes more than made up for it. Picture is being sold and looks set for long run. First week expected to cost \$18,000, plenty sweet. Last week, 'Girls School' (Col) and 'Lady Objects' (Col) got fair \$6,500.

Paramount (F-WC) (2,740; 35-55-75)—'Suez' (3d wk.). Five days on the third week saw unimpressive \$10,000 in strong box. Last week \$10,000.

St. Francis (F-WC) (1,470; 35-55-75)—'Stablemates' (M-G) and 'Road to Reno' (U) (2d wk.). Paced for \$8,000, but business is slow. This can be classified as deluxe biz. Pair could have easily gone a second week at the Fox, but F-WC wanted to bring in a new bill in order to keep the theatre's business in town for the big game. Last week (3d) 'Sisters' (WB) and 'Sharpshooters' (20th) strong \$5,000.

Cowboy (F-WC) (1,200; 35-55-65)—'Cowboy' (F-WC) and 'Lady' (UA). Gary Cooper and Merle Oberon are getting the coin in this horse opry which got off to a brisk start. Cohen opened the opry, but several strong contenders for biz are giving 'Cowboy' a two-day head start on the rest of them. First week's take paced for around \$12,000, plenty good. Last week (3d) 'Guns and Heart' (UA) slipped to poor \$4,000.

Warfield (F-WC) (2,680; 35-55-75)—'Great Waltz' (M-G) and 'Speed' (20th). Plenty of local publicity for 'G.W.' and 'Speed'. A contest being staged in every Bay area class hotel and ballroom, but biz on this spectacle is not what it should be. Notices in papers were mixed, although the general consensus in their praise of the new canary, Millza Korjus. Warfield will wind up with about \$11,000, which is okay biz after last week's when 'Temple in 'Around Corner' (20th) and 'Torchy Man' (WB) did sour \$9,500.

'Hour' Dual 15G, Lewis-'Annabel' 10G, Providence

Providence, Nov. 22. Local stands continuing healthy upswing as 'Can't Take It' is switched to Carlton for third downtown week, and 'Suez' is recalled to Fay's after two weeks' absence from main stem. Ted Lewis' orchestra and revue helping Albee, though not as strong as had been hoped. Loew's 'Shining Hour' and Strand's 'If I Were King' are best new pic bets.

Playhouse closed after stab at vaude biz, but reopens Wednesday (23).

Estimates for This Week
Albee (RKO) (2,200; 25-35-50)—'Annabel' (Fay) (RKO) and Ted Lewis orch and revue on stage. Though not up to usual Lewis biz, show pacing for nice \$10,000. Last week three-day revival of 'All Quiet' (U) and 'Magnificent Obsession' (U) netted fair \$3,000.

Carlton (Fay-Loew) (1,400; 25-35-50)—'Can't Take It' (Col) (3d downtown wk.) continues to pile up gross with \$6,000. Last week 'Certain Age' (U) and 'Mr. Wong' (Mono) (2d run) closed slowly with \$4,800, only fair.

Fay's (2,000; 25-35-40)—'Suez' (20th) (2d run) and vaude. Lively \$7,500 coming on this one. Last week 'Always Trouble' (20th) and vaude, held for nice \$7,500.

State (Loew) (1,200; 25-35-50)—'Shining Hour' (M-G) and 'Listen Darling' (M-G). Pacing for swell \$15,000. Last week 'Great Waltz' (M-G) and 'Night Hawk' (Rep), neat \$14,000.

Majestic (Fay) (2,300; 25-35-50)—'Just Around Corner' (20th) and 'Sharpshooters' (20th). Former looks to be slowest of all pic but still far from disappointing with \$9,000 in sight. Last week 'Valley of Giants' (WB) and 'Actress' (WB) nose-dived in final stanza and finished with flash \$6,800.

Playhouse (Indie) (1,400; 20-35)—'I'm From City' (RKO) and 'Broadway After Dark' on stage, opening Wednesday (23). Last week dark.

Strand (Loew) (2,200; 25-35-40)—'If I Were King' (Par) and 'Sons of Legion' (Par). Keeping house right by near top with bright \$8,000. Last week 'Can't Take It' (Col) (2d wk) welcome surprise with zowie \$9,000.

LINCOLN SET BACK

Hollywood, Nov. 22. Benjamin Franklin was placed ahead of Abraham Lincoln on the Waters schedule of historical short subjects.

Film based on the life of the Revolutionary leader is slated to start Dec. 26, from a script by Charles Tedford. 'Abraham Lincoln in the White House' was postponed until later in the winter.

'ANGELS'-CHEER' BIG 11G; INDPLS. PEPPY

Indianapolis, Nov. 22. 'Angels With Dirty Faces' at the Indiana is zooming the gross at that deluxer to its best figure in many weeks to lead the first run houses by a comfortable margin. Glenn Gray and the Loni Anderson couple with 'Torchy Gets Her Man' at the Lyric is giving that vaudeville a nifty take, while 'Shining Hour' is coming nicely. Loew's to better than average business.

'Submarine Patrol', although authored by a local writer and widely exploited in that connection, is proving to be disappointing at the Circle with a lightweight gross.

Estimates for This Week
Apollo (Katz-Dolle) (1,100; 25-30-40)—'If King' (Par) and 'Takes a Sinner' (U). Moved over from Indiana for a holdover session, but bogging down at \$2,100, in red. Last week 'Men Wings' (Par) on another movie-over from the Indiana was also slow \$2,700.

Circle (Katz-Dolle) (2,000; 25-30-40) (Continued on page 17)

YANKS FIRM ON ITALO BAN

British Film Increase for Australia Slated If U. S. Companies Withdraw

Sydney, Nov. 4. Apparently convinced that there is hope for British-made pictures in Australia if American distributors are faced with additional local government restrictions, which may force them to withdraw from Australia, Gordon Ellis, general manager of British Empire Films, part of the Greater Union Theatres setup here, is planning to London for important confabs.

He's understood to have data on the home quota setup and may try to arrange for additional distribution here. He also may huddle with Associated British officials, this company having furnished product to BEF until a fight over terms.

Ellis plans to be in New York about Dec. 10 for parleys with Republic and Monogram executives. BEF handles both in Australia, with excellent market in GUT circuit and with independents. BEF is operating in the black now for the first time in years. Understood Ellis may try for additional product from American companies and also some from Associated Talking Pictures.

LONDON 'ROYAL' VAUDE NETS \$25,000

London, Nov. 14. Annual vaudeville show in aid of the Variety Artists' Benevolent Fund and Institution, which is dubbed a Royal Performance, due to the presence of the King and Queen, was held for the first time in 10 years at the London Coliseum.

As a whole, show was not representative of the available talent, and lacked spontaneity and tempo evidenced in the last seven Palladium shows for the same cause.

Although it was built primarily to exploit local talent, outsiders were Stuart Morgan Dancers and the Badminton Players (Hugh Forgie and Ken Davidson), both acts in the current Palladium 'Crazy' show, and both American standards.

Locals who made good were Richard Hearn, in comedy dance from 'Running Riot', the Leslie Henson show, at the Gaiety; Murray and Mooney in patter that was kicked around for a decade, and Evelyn Laye in excerpts from former musicals.

Big scene was taken in its entirety from 'Me and My Girl', exploiting The Lambeth Walk, which is responsible for the phenomenal run of this otherwise mediocre musical, with background of over 100 past and present stars. Some of these could have been included in the entertainment proper to its advantage.

Show grossed just under \$25,000, against last year's Palladium gross of \$29,000. But it actually beat the Palladium gross by \$1,000, as Palladium receipts included \$5,000 received from the BBC for ether privilege, besides saving entertainment purveyors in England \$50,000, which the show is said to have cost them last year through its broadcast.

U. S. Censors Lauded In Aussie for Better Pix

Sydney, Nov. 4. Improvement in present U. S. pictures here is attributed to the censors in U. S. by Minister for Customs White. White censors pictures here besides collecting customs fees.

He claimed the normal number of 'Yankee pictures scissored had been about 50% but the rate now is around 18%.

G-B Deluxer, London, Slices Vaude Payroll

Gaumont, Holloway, Gaumont-British latest deluxer, which was built by them in conjunction with Hyams Bros. at cost of around \$1,000,000, is changing its vaude policy to three acts plus two features. To counteract shortage of picture product, house had played one feature with five standard vaudeville acts, under supervision of George Black, with Val Parnell as the booker. Total cost of bill averaged around \$2,500.

GOV'T CONTROL OF PIX SEEN IN AUSSIE

Sydney, Nov. 4. Possibility of full government regulation of the film industry in New South Wales and elsewhere in the Antipodes is being considered, according to new reports here. It's all attributed to the pressure behind the quota, exhibitors' 25% rejection rights, halting of block booking and restricting of theatre construction.

Admittedly, the 'politico-minded' here do not want to run the picture business. However, it's hinted that the government is considering importing a man from England to run the industry. Idea would have one in charge with a good knowledge of the business but with no political entanglement. The opposition which is gradually developing to such a plan, however, may squelch it.

Del Rio for Mex Pic

Mexico City, Nov. 22. Pedro Calderon, maker of 'La Zandunga', Lupe Velez's first Mexican-made picture, is dicker with Dolores del Rio and Augustin Lara, Mexico's ace romantic songwriter, for leads in 'Santa' ('Saintess'), based on the national classic novel. Picture would be made here in the winter.

Current London Plays (With Dates When Opened)

'French Without Tears,' Criterion—Nov. 8, '36
'Robert's Wife,' Globe—Nov. 23, '37
'Me and My Girl,' Victoria Palace—Dec. 16, '37
'Nine Sharp,' Little—Jan. 26, '38
'Wild Oats,' Princess—April 13, '38
'Banana Ridge,' Strand—April 27, '38
'Glorious Morning,' Whitehall—May 26, '38
'Spring Meeting,' Ambassador—May 31, '38
'Lot's Wife,' Savoy—June 10, '38
'She Too Was Young,' New—Aug. 16, '38
'The Fleet's Lit Up,' Hippodrome—Aug. 17, '38
'George and Margaret,' Piccadilly—Aug. 30, '38
'Running Riot,' Gaiety—Aug. 31, '38
'Flaming Star,' Lyric—Sept. 1, '38
'Room for Two,' Comedy—Sept. 6, '38
'Dear Octopus,' Queens—Sept. 14, '38
'The Corn Is Green,' Duchess—Sept. 20, '38
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23, '38
'The White Guard,' Phoenix—Oct. 6, '38
'Bobby Get Your Gun,' Adelphi—Oct. 7, '38
'We Are Married,' St. Martin's—Oct. 11, '38
'Private History,' Gate—Oct. 12, '38
'Quiet Wedding,' Wynnham's—Oct. 14, '38
'Idiot's Delight,' His Majesty's—Oct. 24, '38
'They Fly by Twilight,' Aldwych—Oct. 27, '38
'Elizabeth of Austria,' Garrick—Nov. 3, '38
'Shoemaker's Holiday,' Playhouse—Nov. 4, '38
'Traitor's Gate,' Duke of York—Nov. 17, '38

NO COMPROMISE UNDER LAW AS IS

Herron, Hays' Foreign Chief, Says U. S. Cos. Could Not Operate Under Proposed Government Decree Restricting Film Imports—8 Concerns to Quit by Jan. 1.

FEAR PRECEDENT

Every indication this week was that the U. S. picture business would stand firmly against according to the Italian nationalization plan for distributing foreign films in Italy. Some hope towards a compromise was seen when original bans were lifted against certain cartoon subjects originally barred in Italy.

Major Frederick Herron, head of foreign division of the Hays office, stated yesterday (Tuesday) in New York that American companies were being forced out of Italy, notwithstanding. He said picture firms can't operate under proposed new decree.

As the situation now stands, it was learned last week, all eight major companies have agreed to quit distributing in Italy on Jan. 1 if present distribution via a government agency, with its strict rules on registration, goes into effect. Agreement to stand pat was made by major representatives abroad about a month ago.

'Impossible' Under Setup

Major company foreign officials agree that it would be economically impossible to operate under proposed setup. Idea of handing American firms a lump sum (\$1,000,000) was named as likely amount for U. S. product over a 12-month period for what films the Italian agency deemed suitable considered a cross-currency to American business methods. Permitting a government body to fix film rentals and actually distribute pictures is also regarded as a bad precedent that might be copied by other nations.

Check this week showed that there was no assurance that \$1,000,000, or any set aside would be paid in ensuing years. Nor was there a guarantee that the full sum could be taken from Italian soil. If usual amount is left frozen in Italian lire, only \$200,000 to \$250,000 would get to American companies as soon as coin was available.

Scattered reports that some major companies might break away from the original eight were discounted by foreign representatives. That Italian distribution means only printing additional positives is regarded as highly fallacious because virtually every print released (superimposed titles are allowed on foreign product in only two or three theatres) must

(Continued on page 50)

BASIL SYDNEY STARS IN LONDON OPENING

London, Nov. 22. 'Traitor's Gate,' by Morna Stuart, opened at the Duke of York's Thursday (17). It's a somber, historical piece about lawyers. Nicely received, but possesses no popular appeal. Basil Sydney plays lead.

'The Robust Cavalier,' an excellent English adaptation of Molliere's 'Madeleine Imaginee,' inaugurated series of French plays at the Apollo Tuesday (15). Closed Saturday (19).

'Heart Was Not Burned,' a facetious satire on dictators, showed itself to be intellectually amusing, but above heads of normal theatregoers, in its opening Friday (18) at the Gate.

A large library deal has been made for 'Under Your Hat,' new Jack Hulbert-Cleek Courtneidge musical, as result of excellent provincial reports. Show opens here Thursday (24).

U. S. Trade Agreements with Eng. And Canada Offer No Relief on Brit. Quota, But Does Cut Film Print Costs

GUITRY'S WOE

French Director-Actor-Writer Sues for \$27,000 in Dispute over Film

Paris, Nov. 10. Sacha Guitry, actor, playwright and producer, has found out he might be suing himself over a dispute concerning his last film, 'Remontons les Champs-Elysees.'

His share for author's rights, directing the film and acting in it was to be 1,000,000 francs (about \$27,000, current exchange). When funds became low during production he agreed to knock off 200,000 francs (about \$5,400) but was told by the producers he could not collect his 800,000 until the film was sold. So he had the film seized, claiming as its scenarist, the company was infringing copyright laws by dealing in something not its property.

The tax collectors then demanded their share and as it was not forthcoming, had a second seizure placed on the film. Then the producers said if Guitry had directed the picture he was guilty of violating his own copyright. It goes to arbitration.

SHOWCASING OF BRITISH PIX ON B'WAY

Presence of three crack British features in the ace Broadway theatres within a period of two or three weeks is viewed in the trade as being indicative of the American industry's friendly attitude towards England and its film business. At the present time, 'The Citadel,' Metro's British-made, is at the Capitol, N. Y., and '60 Glorious Years' at Radio City Music Hall. Metro brings 'Pygmalion,' another British-made feature, into the Astor, N. Y., Dec. 1. 'Man With 100 Faces,' a Gaumont-British film, recently finished a run at the Rialto. 'Drums' played the Music Hall only a short time ago.

Although the first three and 'Drums' can be classed as being the outcome of the new British quota, which requires that American companies put production value into quota-credit films, presence of so many top pictures that were made in Great Britain, and the fact that they were given every chance in de luxe Broadway theatres, indicates a positive attitude on the part of the U. S. film industry towards England and its cinema business.

That these films which have been given a break are costly productions also evidences that the American film business is showing a desire to live up to the spirit as well as the letter of the new quota act.

Spotting of '60 Glorious Years,' strictly a historical story of England, will give RKO three quota credits and the sales department hopes that distribution in the U. S. will justify the outlay. Same was virtually true of 'Drums,' which United Artists got into the Music Hall and is being given an elaborate lobby. 'The Citadel,' which Metro produced in England, apparently is going to justify expenditure on the picture, besides setting up three quota credits for that company.

Besides automatically raising production standards and increasing production in England, the new quota law in that country has heightened the quality of pictures all down the line. Improvement in story and producing methods also has been reflected in the new Gaumont-British films.

Washington, Nov. 22. American film companies receive no relief from pestiferous British quota regulations and other restraints on imports under the Anglo-American trade pact signed last week by officials of the two governments. Faint hope that the agreement would at least contain promise Great Britain will not impose any harsher conditions was dashed when document contained no assurances of any kind relating to trade in footage with the United Kingdom.

Sop for the U. S. picture industry was series of pledges by some of the British territories and possessions that they will not give the other country any bigger preference than at present. No lowering of rates or increase in quotas, though.

Supplementary accord with Canada paves way for larger shipments to the Dominion. Tariff on standard positive reels, which was unchanged by the original 1936 agreement, is sliced from 3c to 2½c a lineal foot. Exports over the border in 1936 were worth \$24,000.

Promises not to raise the barriers in the way of U. S. films or to give British studios any larger share of the market were given by the following members of the family of nations, with figures for 1936 trade: Bahamas, \$74,859; British Guiana, \$26,500; British Honduras, \$11,288; Ceylon, \$72,699; Malaya, \$113,829; Fiji Islands, \$49,977; Gold Coast, \$2,505; Jamaica, \$1,735; North Rhodesia, \$10,484, and Trinidad, \$63,578.

Equipment manufacturers received better treatment from the Mother Country and a few inspiring. Great Britain cut the tariff on sound equipment from 33½% to 25% while Newfoundland sliced the tariff from 65% to 45% and wiped out the 10% preference for products from Great Britain.

No serious consideration given the yelps of U. S. exporters about the discriminatory British film regulations, official sources revealed coincident with signing of the pacts. While liberalization of restrictions was suggested early in the parleys, the subject was dropped when it became apparent the British were determined to fertilize their dusty and motion picture let down the bars raised this year.

With the signing of a new trade agreement with Great Britain and Canada last week (17) tariff stipulations between the U. S. and Canada will hereafter effect a considerable saving in media production cost for producers and distributors in this country.

Positive print duty has been reduced from 3c to 2½c per foot on all films shipped into Canada. This will not affect black and white prints so much as it will color printing, as most of the printing of positives used in Canadian distribution is done in that country, but color printing facilities have been confined to the U. S. and England up to the present time.

A reduction in duty on printed advertising material used by the motion picture industry in its Canadian business was also obtained.

No agreement was reached by the U. S. and Great Britain regarding films or raw stock. The British Trade Commission on its arrival here some months ago intimated that motion pictures would not enter into discussions at this time. Agreements were arrived at, however, on photographic lenses and electrical motor used in generators, projection motors and the like.

Duty on sound amplification apparatus exported to the United Kingdom, for instance, has been lowered from 33½% to 25%. On photographic lenses imported by the U. S. there is a reduction from 45% to 30%; radio apparatus and parts, 35% to 25%; electric generators, transformers, converters, telephone apparatus, etc., 35% to 25%.



FOUR DAUGHTERS

THE SISTERS

BROTHER RAT

ANGELS WITH DI

HE

THAT SA
Boy! The

DAWN PATROL
FOR XMAS

ART OF THE NORTH
in Technicolor

RTY FACES

TISFIED FEELING
way WARNERS have come thru!!

Mr. Wong, Detective

entrance to the Conservatory. Dr. Jekyll lives with an aunt and uncle who works in a laundry, but has studied hard enough to make the entrance examinations. He begins the course with Miss Jekyll, the other girl friend. Miss Jekyll has the eye of Dauphin's former friend of Miss Jekyll, who the latter still loves. Miss Darcy becomes Dauphin's mistress and insists on being his only mistress. She can stay in school. There's a murder of the ex-girl friend, which Dauphin is accused of doing under circumstances which split Dauphin from Miss Darcy. But there's a usual ending after someone else confesses.

Metier of the school, cafes and restaurants habituated by the students is well carried out. Dialog is well handled and photography good. Some interesting shots of Paris, but sell.

Hud

Five of the seven principal parts of the original cast are in the picture version of the musical comedy produced at the Hippodrome about four years ago. Bobby Howes is again starred as the boy, his heroine, pragoness, is Miss Binnie Hale, has been replaced by Diana Churchill.

The usual inconsistencies of plots are on a par with most stage musicals and the story has many motivations plus interpersed songs and dances well known cast, that permits predicting a goodly percentage of provincial success in England.

The song hits of the original are retained in the picture, and the play specialties by Howes, Watson, and Vera Pearce still flourish. Production and photography are effective. Miss Churchill's interpretation of the role is a bit too youthful for the sophisticated audience. dolo

entrance to the Conservatory. Dr. Jekyll lives with an aunt and uncle who works in a laundry, but has studied hard enough to make the entrance examinations. He begins the course with Miss Jekyll, the other girl friend. Miss Jekyll has the eye of Dauphin's former friend of Miss Jekyll, who the latter still loves. Miss Darcy becomes Dauphin's mistress and insists on being his only mistress. She can stay in school. There's a murder of the ex-girl friend, which Dauphin is accused of doing under circumstances which split Dauphin from Miss Darcy. But there's a usual ending after someone else confesses.

Metier of the school, cafes and restaurants habituated by the students is well carried out. Dialog is well handled and photography good. Some interesting shots of Paris, but sell.

Hud

Electrics Upheld for 2d Time By U. S. Court on Its Patents Pool

Washington, Nov. 22.

Right of licensees to restrict use of their products in radio and theatre business was upheld this week by U. S. Supreme Court in a second refusal to free General Talking Pictures Corp. from the grip of Western Electric and other patent holders. Dividing 5-4, high bench snuffed Government's argument that last year's views of the patent law gave unnecessary protection to inventors and amounted to monopoly.

Slant of assistant attorney general Thurman Arnold drew agreement only from New Dealers Black and Reed, while the rest of the court lined up behind Justice Brandeis in holding that restrictions applied to eventual purchasers.

Voicing the majority feeling, Justice Brandeis noted that the American Transformer Co. was aware of its manufacturing license had limitations and that its permit stipulated how products should be used. Notice that tubes were intended for radio receivers prevented purchasers from using them for any other purposes, he said. So General Talking Pictures, the tube buyer, was guilty of infringing. Question of whether a patent owner, merely by a license notice, can place legal curbs on alternate use of his product is answered in affirmative in majority opinion.

Brandeis' Opinion

Justice Brandeis admitted that amplifiers with the restricted parts, can be used in several ways. Including theatres and homes, but noted that for the commercial field, exclusive licenses had been granted by the patent pool to Western Electric Co. and Electrical Research Products, Inc. For the private or home field the Patent Pool granted non-exclusive licenses to about 50 manufacturers. His reasoning was that tubes for commercial use should have been bought from W. E. Co. Erpi.

"The question of law requiring decision is whether the restriction in the license is to be given effect," Justice Brandeis said. "That a restricted license is legal seems clear. The practice of granting licenses for a restricted use is an old one. As the restriction upon the use of the amplifiers were made and sold outside the scope of the license, the effect is precisely the same as if no license whatsoever had been granted to Transformer Company. And as the General Pictures Corp. knew the fact, it is in no better position than is if it had manufactured the amplifiers without a license. It is liable because it has used the invention without license to do so."

Dissenters' Opinion

Two-man minority could not see this reasoning because General Talking Pictures presumably "bulbs" in the open market. While manufacturer reserved right to limit use, buyer could not be curbed through license provisions, Justice Black maintained. Under patent laws manufacturer had permission to make tubes and offer them for sale, but when they were bought they became the property of the purchaser. Label on the tube had no effect after purchase he said, remarking that General Talking Pictures and American Transformer cannot be held guilty of violating license terms.

Important point made by the two-man minority—Justices Black and Reed, who dissent from the majority copyright and patent laws do not allow the patentee, who has parted with his brainchild, to exercise monopoly over the eventual use.

B'WAY RIVOLI'S 24 U FILMS WITHIN 36 WKS.

The Rivoli, New York, is guaranteeing to play 24 Universal pictures in 36 weeks of the 1938-39 season, with the Riv having the pick of the U product. It will fill out with any stuffs available from RKO, 20th-Fox and others which do not go into their respective first-run selective spots unless forced to close down, as feared.

The Roxy, N. Y., is making no deal for more Universal films this season, but will depend almost entirely on 20th-Fox. With holdovers on most of latter, as has occurred during the past year, the Roxy management does not think it will have to go outside for anything to fill. "Certain Age," winding up a fortnight last week, was the last U pie here.

Park Ave. Cinema

Harry Brandt and David Weinstein will operate the new 600-seat Normandie theatre now under construction at Park avenue and 53d street, New York. In a deal consummated by Berk & Krungold, theatre brokers, Philip Smith, Boston theatre operator, relinquished his interest in the house which was conceived and built by the Goeliet Estate.

Completion of the Normandie will represent the fruit of several years' legal struggle, waged by the Goeliet Estate to alter the New York City zoning laws which forbid construction of theatres in certain residential areas.

PATHE FILM CO. DISSOLUTION PLAN SET

As had been anticipated generally in Wall Street, the plan of Pathe Film Corp. on its proposed dissolution of the corporation as presently constituted will see the present management taking over after a revision of the capital setup. Whole idea is to give common stockholders a more tangible participation in profits, eliminate present interest charges, continue the present laboratory business and place common shares closer to a moderate dividend basis. All is contingent on at least 80% of stockholders okaying it early in December, Securities & Exchange Commission okaying plan last Saturday (19).

Under the present plan, Robert R. Young and his associates on the Pathe board of directors propose to purchase the film laboratory at Bound Brook, N. J., and what additional printing business the company now possesses (lab on 45th street, N. Y., and pact with Pathe and Monogram among others). Would pay \$500,000 for this with 5-year depreciable. Purchaser would put approximately \$200,000 cash in the business to operate it. The 5-year bonds would be paid off at the rate of one-fifth every year.

The liquidation proceedings in which Pathe common stockholders are intensely interested would give them a pro rata share of the company's holdings in Monogram Picture Corp. and RKO notes held by Pathe Film. Most promise is contained in the Monogram stock but there are less than 70,000 shares held by Pathe. This would give each common shareholder in Pathe only about an eighth of a share or roughly 25c at prevailing market prices.

However, main feature and perhaps the most encouraging one for common stockholders is that where Pathe would deposit its 3,500 shares of DuPont Film stock in the bank as collateral for a loan of about \$1,000,000, figured as necessary to retire 7,968 shares of outstanding preferred and declared dividends. Present interest rate on this preference stock means that Pathe has been paying out more than \$55,000 annually in dividends at the 7% rate.

Chief stumbling block to the plan (and it really isn't, with Young and his associates controlling about 60% of the common) is the additional pro rata share idea for common shareholders. They would be given one share of DuPont for every 171 common shares held, providing they pay their proportionate share of the bank loan amounting to about \$250 per share on the DuPont stock.

If they do not wish to pay this assessment, they can leave it with the bank and in five years it is estimated that dividends from DuPont would pay off the loan. Then the stock can be distributed clear. Value of each share of DuPont Film stock recently was estimated at \$2,000 to \$3,500 although no sales have been recorded recently at either price.

Stockholders have 20 days in which to consider the plan before voting on it which is taken to mean that the special meeting, set for Dec. 6, probably will be postponed. Plan will be mailed stockholders today (Wednesday).

'Touchy' Pix

(Continued from page 1)

Chi's Censorial Frowns

Chicago, Nov. 22. International political and social pictures came under the axe of the police censor board here last week. One picture, the Russian-made "Prof. Mambo," which had been scheduled for a date in the Sonotone suretiser, was banned entirely on police fear that the showing may result in a "near riot." Picture is an indictment of Nazi terrorism. Ira Latimer, chief of the Chicago Civil Liberties Committee, prepared immediately to appeal to the police commissioner to obtain an exhibition permit for the Amkino film.

Also sniped by the censor board were several scenes from the lecture-film, "Nazi Germany," which was shown at the Orchestra Hall here by lecturer, Julien Bryan. Scenes deleted were those that referred to Jewish persecution and anti-semitism that stated that United States, England, and France were to blame for Germany's troubles.

Films Ok'd by Nazis

Bryan will be remembered as the man who took some of the scenes for the March of Time "Inside Nazi Germany" release last year. Subsequently, in an interview here Bryan revealed that the Nazi pictures were in no way "smuggled" out of Germany, and that the pictures were taken with the full permission and co-operation of the German propaganda offices.

KIDNAP MALL, CLEVELAND, MANAGER, HIJACK \$611

Cleveland, Nov. 22. Lester Bieber, manager of Mall, downtown theatre, was kidnapped last week by two gunmen who forced him to open the safe and escaped with \$611.

Stickup survivors told him when he was parking his car in front of his house 10 miles away. Keeping their faces covered, they made him drive back to the theatre. There Bieber had to tell the night watchmen that they were his friends who had forgotten something in his office. After opening the safe, he was ordered to carry one of the bags of money back to the car. House manager was kicked out of it following a short drive, but his auto was found abandoned in a park the next morning.

Foiled Stickup

A well-dressed Houston, Nov. 22. man attempted to hold up the Metropolitan boxoffice with a toy pistol, is being held in city jail, without bond. Shortly after the theatre opened Wednesday, a man who later gave his name as Harry L. Jones, walked up to the window, and shielding a gun with his hat, demanded the money from the cashier. Dorothy Daniel, cashier, screamed. The man turned and ran. Al Lever, city manager for Interstate Theatres, and Weldon Parsons, manager of the suburban theatres for the organization, happened to be standing in front of the theatre, talking. They ran after the man and caught him about two blocks away. He stumbled and fell, and as he did, the toy pistol fell to the ground.

Charges of attempted robbery were filed against him.

1-15 Years for 42

Detroit, Nov. 22. Joseph Bush was sentenced last week by Recorder's Judge John P. Scallen to serve one to 15 years in Jackson prison for the holdup of Irene Collins, cashier of the Kramer theatre, a year ago.

The robbery netted Bush \$42.

Par Renews Roach. Century

Rochester, N. Y., Nov. 22. Paramount has renewed its lease on the Century theatre here from the University of Rochester for 10 years from next August when the old lease runs out. Century now operated by the Comerford-Paramount-RKO five-theatre setup, with William Cadoret as city manager.

Plans underway for extensive improvements, including structural changes in the balcony, new marquee on Mortimer street side, new carpets and interior decorations.

Pan-American Accord Hencforth To Embrace Artistic Copyrights

B.A.'s 'Hollywood'

Buenos Aires, Nov. 12.

There seems to be a tendency to make the northern suburbs outside Buenos Aires the future 'Argentine Hollywood.' A number of leading local producers have established their studios there while others are in the process of installation. Most of the studios are about 15 kilometers (7½ miles) from B. A. Since land is being bought by those in local film industry, value of real estate has risen consequently.

Luis Santini, stage actor, who made a small fortune from three pictures and has now turned producer, has purchased considerable land at Munro, partly with the idea of building studios and partly as an investment.

While the various U. S. interests concerned with the domestic copyright situation continue to huddle in New York, the question of copyright in the Western Hemisphere will be one of the subjects considered at the forthcoming Eighth International Conference of American states at Lima, Peru. Dr. Edith Ware, executive-secretary of the Committee on Copyright, which has been sponsoring the recent confabs at Columbia University and the Bar Assn., N. Y., will accompany the U. S. delegation leaving Friday for the San Clara. She will go along as "observer."

Although copyright has previously been given scant consideration at the Pan-American conferences, it has been growing in importance in the last few years, with the rapid growth of radio and films. Matter is viewed as particularly pertinent at present in view of the intensified radio propaganda campaigns being carried on in the Western Hemisphere by the Nazi and Fascist nations. Idea is that every facility should be made for the spread of exchange broadcasts by western countries and the cementing of ties between North and South America.

None of the delegates to the Lima conference is in close touch with copyright, but Mr. Ware's Committee for Study of Copyright, a subsid of the American National Committee on International Intellectual Cooperation, has assembled a mass of information on the subject, most of it never before brought together. All existing copyright laws of the South American countries have been collected and are printed in Spanish and English, for the convenience of the delegates of all nations attending the conference. Idea is that with a knowledge of the facts the way may be paved for action in the matter. In addition, Dr. Ware may serve as secretary of the U. S. delegates if they desire it.

Pre-Brussels Confab

Added reason for the attention to copyright at the Lima meeting is that the subject is to come up soon at a convention in Brussels and a united stand on the question will be sought in advance. Brussels conference is for the purpose of revising the Berne convention, which was never ratified by the U. S. and, in any case, is now considered largely out of date. U. S. interests recently sent a representative to Paris with recommendations for the agenda of the Brussels meeting. He has returned to the U. S. and is expected to read his report at the confab at the Bar Assn., N. Y., today.

Meantime, the meetings of U. S. interests concerned with domestic copyright have lately been reported making some progress. Whole situation was at first pessimistically viewed by representatives of the various groups, but of late a much more optimistic attitude has been demonstrated. Stated that the different groups, which have for years held opposing views, have for the first time reached at least a surface unity. And although no specific points have been agreed upon, the facts of the problem have been brought into the open and a basis for mutual concessions has been reached.

Part played by the Committee for Copyright in this is merely one of fact-finding. It takes no stand on the subject, but by trying to gather all available information it is seeking to bring about a understanding of the whole question and to help the various groups realize each others' problems. Figured that when the different interests see the subject as a whole and understand each others' viewpoints the basis of some mutual agreement will be formed. Committee for Copyright has been able to carry on this work through an endowment from one of the big foundations.

LID CLAPPED ON PARK

Des Moines, Ia., Nov. 22. Riverview Amusement Co., operators of Riverview Park here has gone into receivership on petition of Central Service Co., which alleges Riverview owes \$17,500 for rent and water, accumulated since 1923.

The petition states that on Sept. 30 the amusement company's financial statements showed liabilities of \$59,228.94, which were in excess of the value of the park property.

District Judge Frank S. Strand has appointed John B. Blanchard as receiver for the amusement firm.

EXHBS IN OHIO FEAR NEW G.O.P. AMUS. TAXES

Columbus, O., Nov. 22.

Exhibitors in Ohio fear what the new Republican state legislature will do at its session next year on the gross admission tax. At the present time there is a 3% tax on gross admissions throughout the state, which is part of the general sales taxation setup in Ohio.

While this is viewed as an added burden for exhibitors doing business in the state, the exhib groups do not feel they are in any position to fight the tax, since similar rate covers virtually everything in Ohio excepting food. What they are most fearful of is the movement to put back the 10% taxation on gross biz.

Such 10% admittance tax would return the situation which prevailed about four years ago. The state tax plus the Federal tax of 10% on duets selling over 40c forced many larger cinemas charging 50c-75c down to 40c. This in turn shoved competition down to lower scales, entirely weakening the entire film theatre price structure of the state.

If the 10% state tax is restored by the state legislature (a Republican majority in the state legislative body and a G.O.P. governor were elected this month), at least the 50c scale theatres would drop to 40c because the additional 10c would represent tax payments to the Federal government and the state. Hence, the exhibitor would take in as much at the box office at 40c as he would for 50c with the two 10% tax scales in effect.

The state faces a deficit and is looking about for new fields of taxation in order to set its financial house in order. All of which makes the exhibitors apprehensive of the state legislature's action in 1939.

Rep Pays Off Rogers, Keeps Tag for Oat Star

Los Angeles, Nov. 22.

Roy Rogers, vaudeville, accepted an out-of-court settlement of his \$150,000 damage suit against Republic and Roy Rogers, film cowboy, over the use of the name.

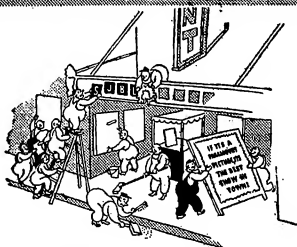
Cash figure is not disclosed, but Republic retains exclusive picture rights to the disputed name for its western player, while the vaudeville retains the right to use his name on the stage. Plaintiff had asked an injunction to restrain the studio from using the Rogers handle for its player, whose real name is Leonard Slye.

Roy Rogers on P. A.'s

Lincoln, Nov. 22.

Fresh from his latest stagebrasher for Republic, Roy Rogers, the former Ohio farmhand, made his first date on a 15-stop p. a. tour here at the Colonial Sunday (20).

Goes straight east, hitting spots enroute. Has a trio with him to help yodel.



A plain statement about that old trade bogey ... the pre-Christmas slump!

...THIS IS THE TIME OF YEAR when a lot of normally hardworking, aggressive, live wire lads in this industry turn into sad-faced, dyspeptic, kill-joys. Instead of going out after business, as they do the rest of the year, they park on their office chairs and dolefully mourn the coming of what they call "The pre-Christmas slump in picture business." According to their sad story, what money there is to be spent in the community during each December belongs to the department stores and the Christmas trade. Any efforts to get people into their theatres by handing them good entertainment, by giving them the lure of exciting exploitation and advertising, they know, are doomed to failure. There's nothing they can do about this sad state of affairs but take an occasional aspirin tablet. That's their undertaker's song. And, boy, do they sing it.

BUT ARE THESE THE REAL FACTS?... Talk to any of your local tradesmen who are supposed to own the town's business this time of year. What will you find? You'll find that they are far from resting easy. Every day they pile advertising into the papers. Their shelves are stocked with Christmas merchandise. But are people rushing in to grab it? They are not. For the past few years it is an established fact, as any store comptroller's figures will show you, that the Christmas buying season grows steadily shorter. The idea that from Thanksgiving till Christmas Eve people have no interest in anything but Christmas shopping is now the bunk.

HOW DO SMART OPERATORS MAKE DECEMBER PAY?... Luckily for all of us, the kill-joys, the gloom-spouters, the do-nothings are only a small minority. Luckily for all of us, there are smart theatre exhibitors in every town who know the facts and act accordingly. They know that shrewd exploitation, good showmanship, will fill their theatres in December... and they go to the company that has the sure-fire December pictures, book 'em, cash in on 'em, and chalk up a winning score on Christmas Eve.

Paramount's Pre-Christmas Business Builders!

"IF I WERE KING"

... Ronald Colman, Hollywood's greatest romantic star, in Frank Lloyd's grandest screen romance, "IF I WERE KING," with Frances Dee, Basil Rathbone.

"MEN WITH WINGS"

... America's Cavalcade of Aviation is "MEN WITH WINGS," gloriously presented in Technicolor, with Fred MacMurray, Ray Milland, Louise Campbell. Produced and directed by William A. Wellman.

"THE ARKANSAS TRAVELER"

... Bob Burns in "THE ARKANSAS TRAVELER" is the kind of picture which can buck any competition, especially in this most sentimental time of the year.

"THANKS FOR THE MEMORY"

... "THANKS FOR THE MEMORY," comedy romance featuring Bob Hope and Shirley Ross and Charles Butterworth, yes, and featuring America's new number one song hit, "Two Sleepy People." There's a natural to get the whole family into the theatre.

"SAY IT IN FRENCH"

... "SAY IT IN FRENCH," with Olympe Bradna and Ray Milland is another equally fast-paced, sock entertainment.

"LITTLE ORPHAN ANNIE"

... "LITTLE ORPHAN ANNIE," starring Ann Gillis, guarantees you all the daily readers of America's most popular human interest comic strip.

"RIDE A CROOKED MILE"

... For hard-hitting action, there's "RIDE A CROOKED MILE," with Akim Tamiroff giving another of his masterly performances, with Frances Farmer and Laif Erikson supplying the love interest.



Scribes Rebuke Studios

(Continued from page 5)

ready been placed on 44-hour week, and technicians and other production workers notified that any application of 44-hour week to film industry will be made retroactive to its effective date of Oct. 24. This notice was served on advice of attorneys to prevent any suits for double time as provided in the act.

George E. Browne, president of the International Alliance of Theatrical Stage Employees, is expected to confer with film executives this week over status of his 12,000 members employed in the studios.

If the five-day week proposal is adopted by companies, it would be divided into four days of nine hours each and one of eight hours. Work would be suspended entirely on Saturday and Sunday.

Awful Producer Move

Business representatives of crafts under the Studio Basic Agreement met with Frank Carothers, labor producer contact, but decided to defer action pending some move by the producers. Among those attending this session were Al Speed, International Brotherhood of Electrical Workers; William Castle, studio carpenter; Joseph Tuohy, studio transportation drivers Local 399; Ben Koenig, Makeup Artists Local 708; Bert Offord, Costumers Local. Costumers and Makeup Artists were only locals of the IATSE represented.

The Screen Actors Guild has nixed a proposal of agents that expulsion of an agent after the SAG licensing plan becomes effective be subject to appeal before an arbitration board of five members. The agents suggested that the SAG name one member of the board, the studio name one, and that these two select three impartial arbitrators. Tops in SAG said such a system would be permitting outsiders to dictate policies of the SAG, as well as activities of the actor representatives.

Tentative plan of the AMG called for disciplinary action to be taken by the SAG, subject to appeal before a three-man arbitration board. In the case of the expulsion of an agent, however, the agent would have the right to further appeal to a five-man arbitration board.

The actors are certain to insist that all disciplinary action be taken by the SAG, and that any arbitration be before a board approved by the board of directors of the Guild.

Definite plans for arbitration, as well as a code of ethics and adoption of rules for which an agent may be expelled from doing business, will be worked out this week. Negotiations have been halted pending return of Laurence W. Beilenson, SAG counsel, and M. C. Levee, AMG presy. Beilenson has been on vacation, while Levee has been east on business.

Indies Want Facts Amended

Independent studio unions have started negotiations with producers on amendments to contracts inked last year. First move was by Motion Picture Painters Local 64, which asked wage tilt for men employed on two night shifts. Tentative agreement has already been reached calling for time and half for workers on 6 p.m. and midnight graveyard shifts.

Proposal of painters was investigated by Pat Casey and committee of studio managers composed of William Koenig, 20th-Fox; Keith Glennon, Paramount; Carol Sax, Warners. Society of Motion Picture Film Editors is asking reclassification of apprentices, librarians and certain assistant cutters. Reclassification would result in pay hike for men in these brackets.

Society of Motion Picture Interior Decorators has named following arbitration committee to talk new contract with producers George Sawley, Paul R. Moyer, Henry Grace, Hugh Hunt, Paul S. Fox.

Vern Murdock has resigned as business representative of Makeup Artists Local 708 of IATSE. Members voted to abolish office, and retained Ben Koenig, brother of 20th-Fox studio manager, as legal representative. He also will direct work formerly handled by business representative.

Jimmy Fidler, air commentator, at conference with tops in SAG, agreed to make closer check on information pertaining to the Guild. Parley was arranged after commentator had signed report, presumably furnished by studio flack, that certain players had refused to appear at a newsboy benefit unless paid. Kenneth Thomson, executive secretary of the SAG,

said his conference with Fidler was mutually arranged and was perfectly amicable.

Will Hays, president of the Motion Picture Producers & Distributors of America, Inc., is expected on Coast this week to discuss various production problems with officials.

UA Board Meets

(Continued from page 5)

a numerical standpoint. Lynn Farnol will accompany Mulvey.

While the company at the present writing is without any commitment from Selznick for 1939-1940 season, it is not improbable that he will continue to distribute through United Artists, in which case total number of pictures for next season would be boosted to 34 or 35.

Alexander Korda's plans for '39-40 have not been announced but he may produce one picture in Hollywood, of the total he will deliver, with Merle Oberon as the star. His decision to do a production on the Coast is predicated on his belief that he not only has a story in mind particularly suited for the U. S. and international market, but that it would give him an opportunity to develop star talent, which is essential to Korda's desire for strengthening suitability of product for the American as well as the English market.

With regard to this point, Silverstone states the industry would greatly benefit in increased gross business both here and in England through signing of the U. S.-United Kingdom trade treaty. Improved relations between the two nations will result in an increased general prosperity which, he feels, will be reflected in the business the motion picture industry expects to do.

UA's general manager also intimated he will very shortly close contracts with a Spanish producer to make a Spanish production in Hollywood for the Latin-American market. UA would not finance this one but will lend the producer every production aid.

According to Silverstone's views, the American film industry eventually stands to lose its market in Europe, with the exception of England, and should pay more attention to developing business in the South American markets because of the tremendous possibilities there. He intimated that he has discussed this viewpoint with S. R. Kent, president of 20th-Fox, and found Kent echoes his sentiments.

Testimies on Europe

Revisiting the European situation, Silverstone states Germany can be counted on, as far as the possibility of doing business there or getting money out of the country is concerned. The Austrian situation is the same, with the added discouragement that prints of pictures belonging to American distributors have been confiscated there on the ground that such pictures are to become a part of the Austrian archives.

Commenting on Spain, he said that if Franco is victorious an import quota will be imposed on American pictures and Spain will deal mostly with its allies, Germany and Italy. All in all the U. S. film industry can expect to be virtually frozen out of the Spanish market. Regarding Poland, he claims that country has already indicated it intends to impose quota restrictions on American product.

Whether there will be a resumption of business with American distributors in Italy is extremely doubtful as he considers it unlikely the Italian government will reverse its intention to nationalize film business after Dec. 31.

Silverstone sails for London the second week in December to go into distribution matters with the Odeon Circuit of 300 theatres in which UA is financially interested. He plans also to have a triple premiere of U. A. pictures in London on 'Boxing Day,' which is Dec. 24. The three pictures opening simultaneously are 'Cowboy and the Lady,' 'The Young in Heart' and 'Tradewinds.'

COOL PAIR AWAY

Hollywood, Nov. 22.

Two pictures, 'Let Us Live' and 'The Lone Wolf's Daughter,' kicked off at Columbia yesterday (Mon.).

Henry Fonda, Maureen O'Sullivan and Ralph Bellamy are featured in 'Live,' and Warren William and Ida Lupino in 'Wolf.'

CINCINNATI

(Continued from page 8)

'Girls on Probation' (WB) and 'Sharpshooters' (20th), split. Normal \$2,800. Same last week with 'Rage Ranger' (RKO). 'Night Hawk' (Rep), 'Mystery Rider' (Par), separate.

Grand (RKO) (1,200; 35-40)—'Great Waltz' (M-G) (3d run). Okay \$2,800. Last week 'Stablemates' (M-G) (3d run) (2d wk), good \$3,200.

Keith's (Libson) (1,500; 35-42)—'Dr. Kildare' (M-G). All right \$5,000. Last week 'Service de Luxe' (U), slow \$3,000.

Lyric (RKO) (1,400; 35-42)—'Men Wings' (Par) (2d run). Poor \$3,200. Last week 'Suez' (20th). (2d run), fairly good \$4,000.

Palace (RKO) (2,600; 35-42)—'Brother Rat' (WB). Very good \$13,000. Last week 'Men Wings' (Par), disappointing \$10,000.

Shubert (RKO) (2,150; 35-40-60)—'Affairs of Annapel' (RKO) and Clyde McCoy and Don Restor orchestra heading stage show. Variety film season bowing in with a socko \$10,000. Last week 'Drums' (UA) (2d wk), finale for straight pic policy, okay \$4,500.

'King' Snappy \$11,000, 'Flesh-Remember' 12G, Leading, Sluggish Balto

Baltimore, Nov. 22.

After fairly consistent run of good biz, local takings hit a slump last week with no improvement noted yet. H.o. and spot booking to accommodate Thanksgiving day openings planned by all downtowns, not strengthening matters any. Some fairly strong weekend interest in 'If I Were King' set in early and figured to hold through holiday period at Keith's.

Combs Hipp, cashing in on finale of Jitterbug contest sponsored in tie-up with local News-Post, started with capacity midnight show Thursday (17) helping 'A Man to Remember' to hit a snappy peak.

Estimates for This Week
Century (Loew's-JA) (3,000; 15-25-35-40-55)—'Shining Hour' (M-G) plus stage flash. Mild going to possible \$3,500. Last week, 'My Heart' (UA) off to snappy peak, but floundered to fairish \$12,000.

Hippodrome (Rappaport) (2,205; 15-25-35-40-55-66)—'Man Remember' (RKO) plus stage show with Happy Felicia Dixie and bar winners of Jitterbug contest. Depending on flesh for steady take of \$12,000. Rave notices for film and capacity opening midnight show Thursday (17). Leading 'Flesh-Remember' (RKO) and p.a. of Horace Hibel and orch. \$14,600, somewhat below figure indicated by strong weekend opening.

Keith's (Schanberger) (2,460; 15-25-35-40-55)—'If King' (Par). Put in early and figured strong enough to hold through holiday with okay response building to nice peak. Last week second of dual reissue of 'Frankenstein' (U) and 'Dracula' (U), hit \$4,800 after surprise initial stanza at \$12,000.

New (Mechanic) (1,558; 15-25-35-55)—'Submarine Patrol' (20th). (2d wk). Some continued interest to possible \$3,500 after mildish opening session to \$4,200.

Stanley (WB) (3,250; 15-25-35-40-55)—'Men Wings' (Par) (2d wk). Holding fairly well to \$5,500 after nice opening, which started big, but slumped with rest of town to \$12,200, juve take helping.

INDIANAPOLIS

(Continued from page 10)

40)—'Submarine Patrol' (20th) and 'Always Trouble' (20th). Former pic based on a local resident's novel, 'Splinter Fleet,' and was given heavy editorial break in local papers. Opening only \$3,500, however. Last week 'Thanks Memory' (Par) and 'Illegal Traffic' (Par), \$3,800, not so hot.

Indiana (Katz-Dolle) (3,100; 25-30-40)—'Angels With Dirty Minds' (WB) and 'Singing That Cheer' (U). Huge national assist ads helped to get the Cagney-O'Brien film away to a swell start and it's pacing towards \$11,500, which is best stage has done since 'Alexander's Ragtime.' Last week 'If King' (Par) and 'Youth Takes Fling' (U) showed \$7,500, okay.

Loew's (Loew's) (2,400; 25-30-40)—'Shining Hour' (M-G) and 'Blondie' (Col). Campaign a strenuous one to revive Joan Crawford's b.o. strength here and it's succeeding pretty well at \$8,000, good. Last week 'Goes My Heart' (UA) and 'Trouble Court' (Col) was fairly good at \$6,200.

Lyric (Olson) (1,900; 25-30-40)—'Torchy Blane' (WB) and Glen Gray's Casa Loma band on stage. Latter given heavy billing and credited with boosting take to \$11,000. Last week 'Around Corner' (20th) and George Olsen band on stage also did \$10,500, good, but picture had been expected to boost gross still higher.

G.O.P. Gains in Minn. Interpreted To Quash Proposed Divorcement Bill

PAR, U TRADES

SEC Shows Sheaffer and Freeman's Stock Dealings

Washington, Nov. 22.

Sale of Paramount stock and acquisition of more Universal Corp. certificates came to light this week in latest semi-monthly statement of Securities & Exchange Commission relative to ground-floor operations of film company insiders.

Steady increase in the holdings of Daniel M. Sheaffer, Philadelphia, a director of the holding company in the U setup occurred during September. In seven lots, he added 700 v.t.c.s, swelling his direct stake to 15,500. In addition has interest in 26,500 tickets owned by Standard Capital Co.

Delayed report showed V. Frank Freeman, of New York, officer and director of Par, peddled 600 pieces of the firm's common, wiping out his financial interest in this type of security. His wife still owns 600 pieces of second preferred.

Only other reference to a film company in the bi-weekly summary disclosure that George J. Schaefer, recently-elected officer of Keith-Albee-Orpheum, had no money invested in the firm when he took over last month.

MASS. RACING KAYO SHOULD AID THEATRES

Nate Goldstein, Paramount partner in Massachusetts, looks for improved business in the Springfield area as a result of horse and dog racing in Hampden county being killed off. In New York last week to contact h.o. executives, Goldstein declared that he and other theatre men in the territory got heavily behind the campaign which successfully knocked out racing opposition. In addition to the pups, horse racing has been held several years at the Agawam track, Springfield.

John J. Ford, general manager of Maine & New Hampshire Theatres, was also in N. Y. last week to discuss current operating matters. E. J. Sparks, Par's partner in Florida, was in for just a day, while Tracy Barham, Ohio-Kentucky operator, is for longer, returned to Hamilton, O., Thursday (17).

Bob Wilby reached New York that day to see V. Frank Freeman and others at the h.o., returning to Atlanta, Saturday (-9). George Trendle of Detroit, got in Monday (21).

Martin J. Mullin and Sam Plinski are in New York on their second trip in as many weeks, having come down from Boston to meet Freeman on his return from the Coast after being set to head studio operations. George Walsh, upstate operator, was in Monday (21) on matters affecting his circuit.

Encoring 'Spook' Shows

Detroit, Nov. 22.

Following smash sessions at downtown spots recently, 'spook' combo of 'Dracula' (U) and 'Frankenstein' (U) is being set for a series of showings in bigger United Detroit nabes.

Three-day showings are set for Cinderella, on east side; Regent and Norwest, three days at each spot.

Horror Dividends

Hollywood, Nov. 22.

Money rolling in from the revival of 'Dracula' and 'Frankenstein' is being used to film more horrors at Universal.

With 'Son of Frankenstein' under way, Willis Cooper is writing another high-budget chiller, 'After Frankenstein.'

F-WC's Trailer Switch

Hollywood, Nov. 22.

Fox-West Coast is switching from National Screen Service to Trailer Made, Inc., for all house trailers.

Circuit's bill runs to around \$3,000 weekly. Couldn't get together with NSS on a new rental deal.

Minneapolis, Nov. 22.

The Republican's clean sweep and the consequent defeat of the Farmer-Labor candidates for governor and the state legislature are believed to spell the doom of the Minnesota theatre divorce law which North-west Allied wants passed by the legislature convening early next year.

Farmer-Laborites were lined up for the bill which would compel the Paramount circuit to relinquish some 85 theatres in the state. The law would be patterned after the North Dakota one held by a Federal tribunal to be constitutional.

W. A. Steffes, president of North-west Allied, however, contends that the election result have not injured the prospects of the law's enactment. 'Our chances of getting the bill passed are as good, if not better, than ever,' insists Steffes.

But at the last legislative session Republicans principally were instrumental in having theatre divorce legislation buried in committees so it never reached the floor for a vote.

Ohio's Divorcement

Exhibitors in Ohio are not particularly pleased over the prospect of theatre divorce in that state, according to industry leaders back in New York after attending the independent's convention in Ohio. State has three affiliated circuits plus two or three big independent chains.

A number of indie exhibitors are outspoken about the fierce competition provided by the existing independent circuits and are inclined to fear further competition if affiliated operation is divorced from present parent corporations and made independent outfits.

Basket Parties Again In Chi; Dec. 20 the Date

Chicago, Nov. 22.

Annual foodstuffs-for-admission Christmas show will be held by neighborhood theatres on morning of Dec. 20, according to plans set by operating committee, headed by Bill Hollander, Balaban & Katz press chief, and Jack Kirsch, local Allied presy.

Expect to raise 30,000 baskets for food to be distributed to poor. All forces in local show biz co-operating on gratis basis, with unions, exchanges, newspapers, truckers and ad organizations delivering services and material on charity drive.

Again the Chicago Amusement Publicists Ass'n will handle all work and tieups in obtaining publicity breaks on the Basket Parties. Radio stations also lending through with contris of announcements on the city-wide charity campaign.

'Baby' Screening Raises Objections in St. Louis

St. Louis, Nov. 22.

After a private showing of 'Birth of a Baby' in Fanchon & Marco's nabe, Hi-Pointe, was publicized, and an announcement that F&M was considering a run in one of its de-luxers, a flood of protests were made against the showing and the plan has been placed in the cooler for the time being.

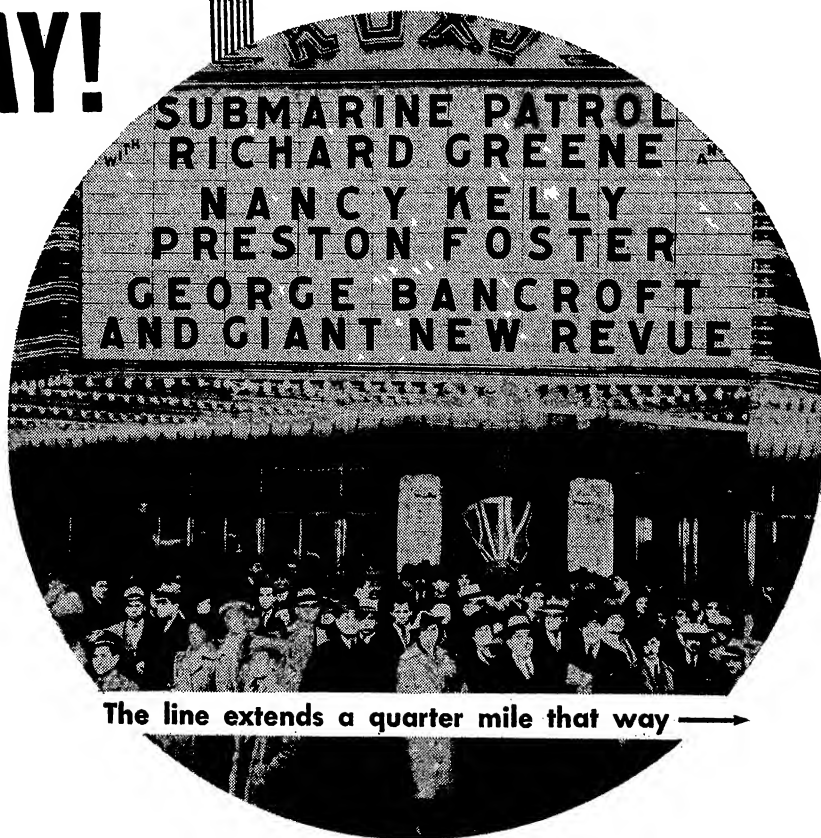
The St. Louis Medical Assn., through a resolution introduced by Dr. Percy H. Switzer, urged, through a public showing of the pic, although approving it being shown to selected groups. The Child Conservation Conference, Inc., also voiced its protest against the showing and, in a letter sent to F&M execs, said, 'It caters to a morbid curiosity, is an insult to innate modesty of refined women, and physicians and nurses do not need the information conveyed.'

Woods, Chi, 1st Run

Woods, the Essaness downtown flagship, this week starts a policy of loop first showings and will attempt, in the future, to refrain from subsequent run flickers.

Upping admission rates to 50c. and will try to establish itself in the Chicago picture field as a first-run spot.

THE PICTURE THAT'S DOING THE BIGGEST BUSINESS ON BROADWAY!



The line extends a quarter mile that way →

HELD OVER in its two newest pre-release runs . . . at the
ROXY, NEW YORK, of course . . . and the **ROOSEVELT**,
CHICAGO, where it's knocking the Loop for a loop! And
a smash in **SAN DIEGO** and **BALTIMORE** hold-over weeks!



THE KEYSTONE
OF YOUR FUTURE

Philly's Anti-Trust Suit

(Continued from page 3)

in the Lane theatre for 'Certain Age'. Elliott has an availability notice for 'Drums' for Dec. 7 and he claims that WB putting it in the Lane first will ruin it for him. As result Shapiro went before Judge Welsh yesterday and explained this new development, whereupon the court ordered an immediate hearing for tomorrow.

Named as conspirators in the monopoly, in Philly by Shapiro are Warner Bros. Pictures, Inc.; Warner Bros. Circuit Management Corp.; Warner Bros. Theatres, Inc.; Atlas, Inc.; Paramount Pictures, Inc.; Paramount Distributing; RKO Radio; Loew's; 20th Century-Fox; Columbia Pictures; Universal, and United Artists.

In addition to maintaining that the defendants have violated the Sherman and Clayton anti-trust acts, Shapiro brings in an entirely new act, believed never before used in a film case. It is the Robinson-Patman Anti-Price Discrimination Act, under which goods in interstate commerce may not be sold to one person for less than to another. Shapiro declares that he can prove the exchanges violated this law because they sell to Warner for first run in a nabe for less than they get on third or fourth run for the same pic from an indie.

In the bill of complaint, Shapiro first points out that the defendants named control production, distribution and licensing of more than 80% of features available. He then says that the five affiliated exhibitors named, WB, Par, RKO, 20th-Fox and Loew's, control practically all of metropolitan first runs in the country, pointing out how they have divided the country up so that they don't compete with each other.

'Playing Ball'

Next complaint in the bill is that the distributors play ball with each other by reserving pix for the other affiliated circuits before releasing them to the indies, and indies as a result are relegated to a secondary or inferior position and are compelled to accept pictures or exhibition after the affiliated theatres are through with them and are in a subject to rental terms and conditions of availability including clearance and zoning that are harsh and arbitrary.

Furthermore, it is charged, affiliates not only get clearance for houses already built, but for those that are built or acquired after the indie has made a contract, so that no matter how well the indie is serving his public, he is always penalized by the affiliates.

As a result of all this, it is charged the indie is deprived of 'a free, open and untrammelled market in which he may buy product based upon his ability and willingness to pay fair and reasonable film rentals.' In other words, it is maintained, that no matter how much an indie is willing to pay, it is impossible for him to go into the market and get the run or films he wants.

A list of nine unfair trade practices forced upon indies is then given. It includes block booking, forcing of short subjects and newsreels in feature contracts, arbitrary designation of play dates, arbitrary protection, allowing of affiliates to buy more product than they legitimately need in order to keep it from the indies, arbitrary, unconscionable and discriminatory film rentals, score charges made against indies, but not Warners, setting of minimum admission.

Next in the bill are listed monopolistic and discriminatory practices of WB in Philly. In the first place, it is pointed out, the circuit controls every downtown first run and every nabe first run, owning or operating 75 houses in Philly and vicinity to 75 owned or operated by indies. Next, it is charged, all the exchanges give every possible preference to WB. Elliott's particular situation is taken up after that. It is shown that the Fern Rock originally had seven-day clearance over the WB Colney and Lindley on some product, while they had clearance on other product. In 1934, however, WB began acquiring other houses, in each case pushing the Fern Rock back a run. First was the Yorktown, then the Grange, then the Bromley. Final straw came on Nov. 9 of this year with opening of the Lane, when WB attempted to push the Fern Rock back still farther, although dates on which it was to get pix were down in black and

white on its contracts with exchanges.

To prove all his contentions, Shapiro has subpoenaed all the exchanges, and they will be forced to bring all their contracts with Warners into court. In the meantime, Shapiro asks that the court appoint a trustee to take over and operate the circuit until such time as a permanent injunction can be granted and the distributor-producer end of the biz is forced to formally dissolve itself of theatre operation.

This is the first time a bill of complaint of this kind has been filed before the plaintiff died, Shapiro shouted in court. 'Independents are being throttled by practices that are growing worse every day. A man can't build a movie theatre unless Warner Bros. say so and if he is a good boy they may buy him out. And even those who do build can't get pictures unless Warners say so.'

'I have here a number of witnesses who are afraid to go on the stand and tell you of their troubles, because they know that they will be reprisals. Why, only today a representative of one of these defendant companies refused to give Elliott films unless he withdraws his suit.'

Refugee Succor

(Continued from page 5)

premium, such coin being turned over in full to the fund. Agencies were open on the day of performances, but most of the ticket sales were made at the boxoffices.

Night of Stars' 90G Net

Probably the most vital factor contributing towards the success of the Night of Stars benefit show last Wednesday (16) at Madison Square Garden, New York, on behalf of the United Palestine Appeal, was the showmanly manner in which the wealth of talent was paced. With that dominant thought in mind, these annual galas should prove increasingly successful from the b.o. standpoint, which, if a large gross is aimed for, can only mean upping the ante. At \$15, and boxes at \$75-\$250, the fifth annual show was a sellout. Over 20,000 attended and the gross exceeded \$60,000. Another \$30,000 was realized from the elaborate souvenir programs. Total gross from everything, \$105,000; net at \$90,000.

The major shortcoming of this type gala is that the showmanship is usually considerably beneath the parity of the show; i.e., the talent is generous and impressive but, when permitted to become too lavish, it starts to pall.

No such thing here. Everything was kept at a streamlined pace; routines were clipped, specialties minimized to their most surefire highlights and the entire performance beautifully paced. Save for the introductory speeches, including Mayor LaGuardia, and subsequent talks by ex-Mayor Jimmy Walker, Gene Buck, Harry Hershfield and others, the variety of talent paced like the super-headline show of all time.

Back of the Scenes

Louis K. Sidney again chairmaned, this year doing his directing from the Coast; Ben A. Boyar, associate chairman, officiating from Broadway. Toplight show biz exes were honorary chairmen and an impressive production committee of vet showmen is the answer to how it all came out so well. Sid Piermont and Jay C. Flippen, latter among the array of m.c.s. figured dominantly backstage in cueing acts just how little time to consume.

Some of those on the bill included Kitty Carlisle, Don Albert, Alexander Smallens, George Jessel, Eddie Cantor, Rockettes, Gae Fosterites, Lucy Monroe, Raymond Scott, Block and Sully, Phil Spitalny, Flippen, Hershfield, Jack Dempsey, Lou Gehrig (who, speaking as an American of German descent, particularly wonned the audience), Henry Youngman, Eddy Duchin, Cotton Club, Paradise, International Casino and Casa Manana revue, Lou Holtz, Benny Goodman and Ben Bernie.

Also, Sam Forrest's 'Democracy in Headlines' cavalcade, Milton Berle, Freddie Bartholomew, Orson Welles, William Gaxton, Victor Moore, June Preisler, Raymond Massey, Sinclair Lewis, James Barton, Bill Robinson, Walter Huston, Molly Picon, Fred Waring, Robert Montgomery, Bea-

Theatre Chains Cool to AFA's \$60 Demands

Inaugurating negotiations looking to organization of all theatres throughout the country using stage attractions, the American Federation of Actors has laid its demands before operators of chains in New York, as well as managers of individual theatres. Ralph Whitehead is executive secretary of the union.

AFA is seeking a closed shop and a minimum for all artists of \$60 a week, regardless of duties they perform. A scale of no less than \$60 would affect girls working in lines as well as any artist, carried by bands or acts, who may do little more than a walk-on and now receive less than this figure. Theatres, if signing with the AFA, would agree not to play anyone under the closed-shop clause who did not belong to the union nor anyone who would not receive \$60 or more weekly, whether paid by the theatre or by the attraction carrying such persons.

Reported the Radio City Music Hall, N. Y., which does not sit with the N. Y. labor committee, of which C. C. Moskowitz, of Loew's, is chairman, will not consider the demands laid by the AFA. Moskowitz and representatives of other theatres and national chains operating in N. Y. have taken the AFA demands under advisement for conferences prior to reporting attitude.

PIZOR'S IMPERIAL PICTS, INDIE, FLOATING STOCK

Imperial Pictures, Inc., a Delaware corporation headed by William M. Pizor, is making a public offering of 424,000 shares of common stock, with initial offering price of \$1.50 per share. Company's balance sheet submitted with prospectus as of Aug. 31 this year showed total assets of \$92,952 against total liabilities of \$53,188.

Lewen Pizor, v.p. of company, is listed as a circuit exhibitor and president of the United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware. Company claims to have four features, under distribution and plans for at least 32 feature pictures in the coming season. Distribution would be through franchise holders in 30 key spots, 21 of which have been set.

Philadelphia, Nov. 22.

Lewen Pizor returned last week from Oklahoma City, where he was stricken while attending the MPTOA convention. His daughter, Dorothy, went out to bring him back. He is expected at his desk again late this week.

All Variety Clubs Meet In Detroit Next Spring

Detroit, Nov. 22.

Jack Flynn, district manager for Metro here, has been appointed general manager for the national powwow of Variety Clubs of America here next spring.

Headquarters for conclave will be local Variety Club's quarters in Hotel Book-Cadillac here. Arrangements are being made for attendance of around 3,000 at the conclave.

Columbus Variety Elects

Columbus, O., Nov. 22.

William C. Pullin elected president of Columbus Variety club. He had been filling an unexpired term of M. R. (Duke) Clark who moved to Cleveland. Other officers re-elected as follows: J. Real Neth, William Ortmann, v.p.s.; J. F. Luft, treasurer, and P. J. Wood, sec. Directors named include Max Stern, C. Harry Schreiber, Virgil Jackson, Lou Holleb, Leo Haenlein and William F. McKinnon.

trix Lillie, Noel Coward, and others. I. J. Fox etherized the show in part over WHN, N. Y., making a \$1,000 donation to the Palestine fund for the radio nights.

Inside Stuff—Pictures

The feature William K. Howard is making at the Eastern Service Studios, Astoria, La., final title of which has not yet been set, will run over the budget of \$260,000 set for it. It probably will total \$350,000 or more due to delays. The Odium (Atlas) interests are the backers of this and any subsequent pictures Howard may make at Astoria. Paramount has signed a deal to release the initial Odium-financed Howard feature, closed after production had started.

Harold Orlow, who has completed 'One-Third of Nation' at the Astoria plant, also to be released by Par, brought his picture in at \$175,000. 'Nation' is set for release the first week in December.

Robert A. Taft, son of former President William Howard Taft, who was elected to the Senate from Ohio, has had dealings with the film industry. The Paramount, Cincinnati, property owners, which included the Wurlitzer piano people, retained Taft. The late Charles P. Taft, owner of the Cincy Times-Star, also owned the Grand, which along with the Par, is now operated by RKO.

Additionally, Sen.-elect Taft is owner and partner in the Paramount, Middletown, and the Par, Hamilton, O., units in the Southio Theatres Corp., a subsidiary of Paramount Pictures, Inc., operated by Tracy Barham.

Mars story by H. G. Wells, which was broadcast by Columbia Broadcasting System, has brought out another reissue to cash in on current interest in Martians. 'It is 'Things to Come,' British-made Korda picture released in 1936 by United Artists. Universal rushed 'Mars Attacks the World' to the market about two weeks ago, making up subject from 'Flash Gordon' serial material it had in the vaults.

Following the success in dualing 'Frankenstein' and 'Dracula' and 'Bride of Frankenstein' and 'Daughter of Dracula,' Universal is making national reissue of 'Magnificent Obsession' and 'All Quiet on the Western Front,' on double bills. No question but that reissues mean a nice net business to U, representing virtually velvet outside cost of prints and handling.

New restrictions have cut the flood of stories into the Metro studio hopper from 50 to 100 per month. Under latest restrictions, no story may be submitted directly to a producer, as in the past. It must be routed through the story and scenario departments before it is brought up for final discussion before the new executive council consisting of Louis B. Mayer, Eddie Mannix, Ben Thau, Sam Katz, Edwin Knopf and Kenneth MacKenna. A producer gets the story only in synopsis form from the scenario department.

What happens when there is delay on a 'B' production' was forcibly illustrated this week when Paramount found 'Little Orphan Annie' coming along for December release instead of last summer, the spot for which it was intended. John Speaks, was given contract to make this feature early this winter to be ready for dull July-August period.

Because difficulty was encountered in finding a star for the title role (Ann Gillis finally was spotted in lead), production lagged so much that instead of summer release, the Par feature now must go out in December.

Lorin Grignon, Paramount's chief transmission engineer, has devised a five-track sound projector for the new sound cutting rooms. New projector, the result of eight months work, enables sound cutters to test synchronization of five effects, plus picture, before final dubbing. Machine not only improves the quality of sound but may be stopped and reversed quickly, saving plenty of time and labor.

Herbert Polesie and Arthur Lubin are mulling an offer to make three pictures on a sound stage to be built at the New York World's Fair. Offer was made by Bernard Kauffman, who is expected in Hollywood next week to go over plans with Polesie as producer and Lubin as director. Pictures will carry a budget of \$125,000 each, financed by commercial sponsors, although the films will not be industrial features.

Alfred E. Green, horse breeder in his leisure hours, learned something about the treatment of racing nags when he started directing Ed Small's picture, 'King of the Turf.' Under the rule laid down by the Society for the Prevention of Cruelty to Animals, screen horses must be treated more gently than screen moppets. To use 12 steeds in a race sequence he had to pick 36 for the actual work, plus four spares.

With RKO set to emerge from 77b within the next 60 days, present outlook is for an unusually strong showing in the first month of the new corporation's existence. Present expectation is that 'Gunga Din' will be generally released by the time the company officially is out from under 77b. The new Astaire-Rogers production, 'The Castles,' will be coming along shortly afterwards.

Under direction of George J. Schaefer and Harold B. Franklin, directing the film drive, Al Selig lined up the committee of judges for the Movie Quiz. Selig, by process of elimination, concluded that an imposing name roster such as the following would command the proper public recognition: Mrs. Ogden Reid, Congressman Bruce Barton, Helen Willis Moody, Dr. James E. West and Hendrik Willem van Loon.

'The Beachcombers,' British-made Eric Pommer-Mayflower production starring Charles Laughton, which has been taken for this country by Paramount, has been edited for the U. S. and the final print will be screened possibly before the end of this week. Picture will probably go into the Par, N. Y., on a pre-release date some time in December.

'Man With 100 Faces,' recently at the Rialto, N.Y., was originally called 'Crackerjack.' It was made in England by Gainsborough and is released in the U.S. by Gaumont-British.

OPENING

AT

BILTMORE HOTEL

NEW YORK

TOMORROW NIGHT

THURSDAY

PHIL SPITALNY

AND HIS

ALL GIRL ORCHESTRA

HOW TO CASH IN ON THE GREATEST HARDY PICTURE!

With overflowing heart you'll agree that "Out West With The Hardys" is positively the best of all this amazing series!

There was roaring laughter, there were cheers, and tears, when it was screened in M-G-M's projection room, and you'll react likewise when you screen it!

Never was a picture sitting prettier for smashing business! The millions who literally adored "Love Finds Andy Hardy" are waiting for the new Hardy picture as no previous attraction was ever awaited!

SHOUT the news from your screen, from your lobby, from the pages of your newspapers!

DON'T LOSE ONE single opportunity to tease it along from this moment to your play-date!

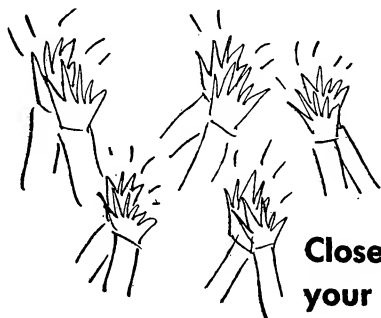
BOOK it for extra time immediately because you'll have to hold it over!

INCREASE your ad space to sock it over!

EXPLOIT it as you've never exploited before!

THE FRIENDLY COMPANY brings you the friendliest picture ever to come to the screens of America—"OUT WEST WITH THE HARDYS"!

with Lewis Stone, Mickey
Rooney, Cecilia Parker, Fay
Holden. Screen play by Kay
Van Riper, Agnes Christine
Johnston and William Ludwig.
Directed by George B. Seitz.



Close-up of
your patrons!

EXPLOITATION

By Epes W. Sargent

Stuck to 'Sons'

Richmond Gage managed a picture in the daily press, and a street parade through the city, by turning his theatre over to the Sons of the Legion for the first day of the showing there of the "Sons of the Legion" picture. Honorary officers for the theatre were named and new pictures were made of Gage with the honorary manager for the day, for the press. The Sons paraded with their drum and bugle corps.

Portland Preview

Portland, Ore. The Parker-Evergreen Mayfair launched a coy build-up for the first

'Blondie' pic (Col). Manager Walt Finney announced a mystery 'Sneak' preview following last showing of 'You Can't Take It With You' on one midweek. Customers weren't told title of picture to be previewed, but were invited to write their reactions on cards in the lobby. Gaudy 'Blondie' idea was to give the pic an advance build-up for future showing in another house. As a gag, the stunt gained popular response and comment cards generally gave a heavy favorable response.

Berle Goes Grid

Chicago. Tom Gorman garnering plaudits for his comedy handling of the ad campaign for Milton Berle, p. a. in the Palace. Instead of straight picture and copy on the comic, Gorman tied the ads in with the football hysteria, dressing Berle's photo with comedy football suit and billing the show between a pair of football goal posts.

Denis' Busy Day

Indianapolis, Nov. 22. Coming to town en route to Columbus, Ohio, Mr. and Mrs. Armand Denis (Leila Roosevelt), spent a busy day Tuesday (22) plugging their Belgian Congo picture, 'Dark Republic', which will be shown locally sometime in December or January. Did duty as principal speakers for their host, Universal Club, at luncheon in Columbia Club, appearing later to give talk before local members of National Photoplay Endorsers, a guest shot at the Auto Show at the Fairgrounds, and an air stanza over local radio station.

Done With Dogs

St. Louis. A Sealyham pup, similar to the one Janet Gaynor uses in 'The Young in Heart' was the medium through which Manager Harold D. 'Chick' Evans, Jimmy Harris, p. a. of Loew's, and Bernice Evans, UA exploiter, put over a sock exploitation campaign for the screen opus. A tieup was made with the Star-Times, a major rag with a circulation of 150,000 whereby a contest to name the pup was held during the run of the Pic. The pup, shipped by air from UA's headquarters in New York, was photographed at the local airport, pix being used with stories and contest rules in the paper. Evans, Marion Boone, pix crit of the Star-Times, and R. T. Ratt, manager of the Bo-K Kennels in St. Louis County, who boarded the dog during the contest, were judge of the contest and the volume of names received snowed them under. Another attention getter was a deal made with the Post-Dispatch for a paid copy of the Harry Fox engraving pic section of Paulette Goddard, the issue coming out three days after screen feature began run. The Thompson chain of restaurants, for the first time in local history, permitted the imprinting of theatre and 'Young' copy on 25,000 napkins used during the run. 500 tack cards were used on news-stands through courtesy of the Curtis Pub. Co. and 5,000 stickers on Postal Telegraph Co. envelopes and several co-op ads with big downtown dept. stores noted out the exploitation efforts.

Hitching Up the Guv.

Louisville. Gov. A. B. 'Hoppy' Chandler has accepted an invitation of 20th-Fox to organize and head a delegation to the world premiere of 'Kentucky', technicolor production, in Hollywood early in December, he announced Wednesday. Pic, which will be released nationally in February, has several scenes which were made in this state. Tentative plans were to have advance showing in the state, but these were clinged because of the wider advantages and exploitation value in a Hollywood opening. In the governor's party will be Mrs. Chandler, their two daughters, Marcella and Mimi, Mayor Joseph P. Scholtz of Louisville and Mrs. Scholtz; Mayor E. Reed Wilson of Lexington; Bo McMillan, football coach of Indiana University and director Centre College football star and Mrs. McMillan; Carl Saunders, editor of the Kentucky Post; Tom Underwood, editor of the Lexington Herald; and Joe Hart, Louisville Courier-Journal reporter.

THE SAME ANONYMOUS

POST combines home, the stove turkey and yams in preparing singing Thanksgiving greeting words to the tune of "Home on the Range." Thus, boys and girls who must of necessity be far from their home when the Thanksgiving feast is spread, may arrange with Postal Telegraph wherever they may be, to have this song sung for the absent ones, to their families, over the telephone:

Home, home on the range
Where the turkey and yams
you arrange
Oh I long for that bird
So I send you this word
On Thanksgiving Day home
on the range

OR IF YOU PREFER Thanksgiving Greetings on Postal Telegraph's colorful blanks delivered by messenger costing only 25c to all Postal Telegraph points in the United States—25c locally.

TITLE CHANGES

Hollywood, Nov. 22. 'Gambling Ship' is release title for 'Lady Luck' at Universal. 'Parade Is Over' is latest tag for 'Life Is Parade' at Warners. 'Two Weeks with Pay' replaced 'Parents on Probation' at Paramount. 'Men of Steel' final handle for 'Nuts and Bolts' at Metro. 'Chalked Out' new tag for 'Crime Is a Racket' at WB. Last tag on 'California Cavalcade' at Columbia is 'Frontiers of '49'.

Jersey Okays 'Sin'

Trenton, Nov. 22.

Board of Censors, composed of police and city officials, was called out on Thursday (18) to sit in on a preview of 'Wages of Sin' at the Victory theatre here, following ministerial protests. Picture was given clean bill of health after minor deletions were ordered.

Second time in six months that Victory attractions have been under fire. 'Ecstasy' previously drew fire of ministers with result that police were called in. That, too, was given official okh.

May End Duals

(Continued from page 3)

usually by the larger majors is the desire of economizing in production and the urge to readjust producing so that it will fit into the changed foreign market picture.

It is fairly well known that these additional secondary or 'B' programmers were born of necessity—to fill out the programs of affiliated circuit houses. Few of them grossed what had been anticipated no matter how low the budget. Part of this, of course, was due to the ever-widening gap between the two weakies. But the mere fact that they had to obtain virtually all revenue from the added-pictures spots in dual alignments meant that rentals were low.

The dwindling foreign revenue, either through quotas, restrictions or outright elimination of markets in certain countries such as Germany, Italy, Spain and part of China, also has something to do with this change in production plans.

Double feature-policy in affiliated theatres, with the resulting influx of 'B' or small-budget pictures, has been the bane of foreign department executives of majors for the last two years or more. Aside from the fact that few of these minor films bring the return anticipated in most foreign countries, their presence in a major company's program lineup and often brings squawks about block-booking methods.

Foreign exhibitors voice their complaints when the next year's product is offered by a major company. While admitting that the five or six top features were excellent money-makers, the foreign exhibitors point to a long list of lesser features on which he lost coin.

General level of top features will be lifted by the changed lineup which will find many majors concentrating on fewer but more worthwhile pictures. So foreign department solons aver. They are willing to predict that the new lineups with fewer more important productions, actually will produce more revenue in the foreign field and also further enhance the attitude of exhibitor interests outside the U. S.

STUDIO CONTRACTS

Hollywood, Nov. 22.

Marilyn Kay, moppet, signed by Charles R. Rogers. Harold Lamb inked writer pact at 20th-Fox. 20th-Fox lifted John Gale's player option.

Paramount signed Joseph Allen, Jr. actor. Warners renewed William Dieterle's director contract.

Don Ryan's writer ticket extended by Warners. 20th-Fox hoisted George Sanders' option.

Metro renewed Norman Taurog's director ticket. George Murphy signed a new pact at Metro.

Leni Lynn, singing moppet, handed new Metro deal. Warner renewed Ronald Reagan's contract.

Frank Strayer signed director pact at Columbia. June Preisler inked player ticket at Metro.

Jack Holt inked four-picture pact with Larry Darnour at Columbia. Warners renewed Mike McGreal's ticket head of studio camera department.

Wendy Barrie signed three-picture deal at RKO. Lorna Gray penned player ticket at Columbia.

Columbia renewed William S. Holman's contract as studio manager. Hilary Lynn handed writer pact at 20th-Fox.

Leslie Fenton inked new director contract at Metro. Vincent Sherman's writer deal renewed at Warners.

Manny Self inked writing ticket at 20th-Fox. Warners renewed Annes MacKenzie's scripting contract.

Andrew Stone signed one-year director deal at Paramount.

Theatres—Exchanges

Milwaukee. Charles Lowenberg, associated with Fox theatres in Wisconsin for nine years, has been named publicity and advertising director of the newly formed press department for the Wisconsin territory. Lowenberg succeeded by Lowell Parmentier as supervisor of South side theatres.

San Francisco. Dan McLean has resigned Fox West Coast Theatres to take over the lease of Embassy. Herman Cohen, owner of United Artists theatre, formerly held lease of Embassy. McLean will turn the Emb into a grind house. McLean for past 10 years managed the El Comitan, being replaced by L. G. Tavorola, manager of F-WC theatre in Watsonville.

Philadelphia. George Schwartz, former Metro salesman, on Monday replaced Sig Wittmann, Universal branch manager, resigned.

Ulrich K. Smith, Par sales manager, celebrates his 25th year in the industry today with a dinner at the Warwick for 25 friends.

Douglas theatre taken over by Meyer Michaelson. Lewis Hauser proprietor of new Clinton theatre, Montgomery, Pa. Rexy, South Philly, being readied for reopening Thanksgiving Day.

Lincoln. George F. Monroe has been assigned for the last two weeks as publicity handler for the Nebraska Theatres, Inc. here, but took off this week for Denver, Colo. He's to be assistant home office manager for L. Dent's Westland Theatre there.

C. W. Becker, faced with the h.o. downbeat from now until Xmas, shuttered the Electric, in Burwell, Neb.

Manny Loggren was brought here from the Colorado Springs, Colo. end of J. H. Cooper Enterprise. He's house manager at the Lincoln, replacing Ed Vaughn, who moved over to become top man at the Stuart.

Harvey Traylor and city manager Bob Huffman have been handling the house since John Cherry resigned. Traylor stays on as assistant.

Bill Knight, late house manager of the Kiva, has joined Jerry Zigmund, manager of the Newman, Kansas City.

Gloversville, N. Y. Earl Wright of New Haven, formerly with the Loew-Poli chain, has succeeded James Levine as manager of the Glove theatre. Levine has been transferred to district manager at Bellefontaine, Ohio, for the Schine circuit.

Canton, O. Fred Lahrmann, several years with Paramount, Youngstown, shifted to Newark, O., where he will assist Frank King in management of Midland and Auditorium.

James Shannon, owner of Swiss-

land, Woodsfield, O., will build new house there seating 500.

The Palace, Glouster, transferred to Glouster Amus, Co. by Joe Be-shara. The Crawford in same city transferred to Glouster Amus, by John Crawford.

The South Side, Ironton, closed since the 1937 flood, will reopen soon. Clayton Sheffield of Ashland, Ky., will have charge of rejuvenated theatre.

Pastime, Union City, N. J., sold to Colony Real Estate Co. by the Trust Co. of N. J. in a recent transaction. Purchaser will spend \$30,000 for modernizing and upon reopening will be known as the Colony.

Los Angeles.

Andy Anderson, formerly with Exhibitors Service, Inc., joined Earl Strebe as assistant in charge of the operation of Strebe's theatres in Palm Springs and Arrowhead.

Ralph Dostal, booker with Columbia Exchange, joined Majestic Distributing Corp. as city salesman and booker.

Harry Denny, formerly with Grand National, covering Arizona as outside salesman on Hi Pesky's staff.

Sam Decker, of Majestic, closed deal for distribution six western which Jed Buell is producing.

Deal is on for Gore Bros. to take over the interests of Adolph Ramish in Pacific States Theatres, Inc. who have been 50% partners. Ramish now in Honolulu, figures on devoting more time to his Hawaiian theatre holdings.

Fox West Coast reopened Long Beach theatre, Long Beach. House resealed and remodeled at cost of \$15,000.

Arlington, Santa Barbara, being remodeled by F-WC at expense of \$20,000.

TALES OF A WAYWARD INN

By FRANK CASE

THE story of the famous Algonquin and its celebrities, told by its owner-manager. Best tales of an inn since Chaucer stopped at the Tabard! Illustrated.

\$3.00 • STOCKS

New York Theatres

There's a Better Show
at the **RKO THEATRES**

Today, Friday, Nov. 25th
"ANGELS WITH DIRTY FACES"
JAMES CAGNEY, PAT O'BRIEN
Humphrey Bogart, "Dead End" Kids
STRAND BROADWAY-47TH ST. SIX TO FOUR

TODAY
"THE CITADEL"
starring Robert DONAT
Reinold RUSSELL
Starts Thursday
GREAT WALTZ
Lulu RAINER
Fernand GRACET
HILDA KORNBLUTH

7th Av. & 50th St.
ROXY
ALL SEATS 25¢ TO 1 PM.
Held Over
"SUBMARINE PATROL"
—On the Stage—
New Stage Show

RADIO MUSIC HALL
CITY
"THE COWBOY AND THE LADY"
Spectacular Stage Productions

Held Over
PARAMOUNT SQUARE
Bob Burns
In Person
"The Arkansas Traveler"
Larry Clinton
and His Band
BENJAMIN FRANKLIN
WHITNEY

THREE SO.
Loew's STATE
TODAY ONLY
Wallace Beery
Mickey Rooney
"Stablemates"
In Person
ELLA LOGAN
Starts Thursday
Ronald Colman
"If I Were King"
In Person
Jack DENNY & ORCH.

Postal Telegraph

As near to you as your telephone

Methods of Music Pluggers Resented by Both Networks; Columbia's Informal Protest

Informal representations are reported to have been made by CBS to the American Society of Composers, Authors and Publishers about the music publishing industry taking drastic action to eliminate various payoff practices affecting bands and vocalists which broadcast over this network, suggested move was based on the theory that the objectionable methods of obtaining plugs constituted interference with the web's proper conduct of its programming service.

It is not the first time that a network has complained to an industry organization about subsidizing. NBC a couple years ago followed up one of these warnings with an order to the program department that the current tunes of certain publishers were to be stricken off the repertoires submitted by band leaders.

Understanding that accompanied the informal representation from CBS was that if the industry did not undertake to control its payola element the network itself would take steps to bar those known to be engaged in or suspected of conniving practices. While the network realizes that such control is beyond the functions of ASCAP, it has no other direct way of calling this situation to the attention of the music industry. ASCAP is the only organization in the pop field with which it does business.

WHN'S REFUGEE SHOW FORMING

Likely that Pearl Buck will head 'Refugee Theatre of the Air' program to be premeed by station WHN, N. Y., Dec. 2. Station will hold auditions this Friday (25) of refugee singers, instrumentalists, actors, et al, for showcase program.

Program will go on every Friday night from 10 to 10:30 p. m. It's being done in co-operation with American Committee for German Christian Refugees, Catholic Committee for German Refugees, National Co-ordinating Committee for Refugees and the Jewish and Christian Committee for Refugees.

OPERETTA TRIED ON AIR

Three-Installment Original Written By Karl Schultz

An operetta in serial form will be aired by WINS, N. Y., in three half-hour shows in three successive weeks starting Dec. 1. Operetta was written by Karl Schultz. It's labeled 'Fancie'.

Full cast headed by Miriam Lax in the prima donna role, Orlando Ricard, baritone, and George Griffin, tenor will air the operetta. Supporting players will be selected from the roster of the Radio Division of the Federal Theatre. Later will also handle the production.

Arthur Hayes' Title

Arthur H. Hayes has been made sales manager of WABC, CBS' N. Y. key, and an executive of the company. WABC did not have s.m. previously. Hayes' title splashing in the sale of WABC time after being transferred about a year ago from the New York managership of Radio Sales, Inc.

It was after Hayes took over the new assignment that WABC made the periods prior to 9 a.m. available to commercial transcriptions and also introduced the policy of allowing three five-minute advertisers to follow one another in one of these periods.

Nagel's Double Header

Hollywood, Nov. 22. Conrad Nagel does double duty on Silver theatre, Dec. 25 and Jan. 1, when David Garth's 'Challenge for Three' is dramatized in two sections. He will have the male lead in the piece in addition to his usual chore of narrator.

'Snow White' on Lux

Hollywood, Nov. 22. 'Snow White and the Seven Dwarfs' will get a Christmas airing by Lux Dec. 26.

Most of the original voices will be used.

World Broadcasting's 52; 'Spider's Web' Radioized From Columbia Picture

World Broadcasting has signed two more stations, WBIG, Greensboro, N. C., and WHIO, Dayton, with its recently acquired WTAG, Worcester, and the Don Lee network in California, World now supplies 52 stations.

World has also just purchased the rights to the Columbia picture serial, 'The Spider's Web' for which Stewart Sterling will do the adaptation, and 'Three Women,' Marie Nordstrom's radio serial with Marion Barney. Outfit has likewise started work on a new studio at its New York headquarters.

Hal Holman, formerly with Trans-American in Chicago, has joined the World sales staff there. Norton Cortell, vice-president in charge of the sales, has just returned from a trip through the midwest, while Al Sambrook, station relations manager, left last Thursday (17) on a three-week business trip through the south.

Vanda's Wrigley Show Causes Coast CBS Shift

Hollywood, Nov. 22. Several temporary shifts in Columbia's production department will be effective Dec. 1, occasioned by Charles Vanda's producer chore on the Wrigley-Lasky talent-hunt show taking off Dec. 8. For the period of the series, Vanda, Coast program director, will keep a hand in the production affairs of the chain. Taking over some of his duties are John Dolph, assistant west coast manager for CBS; Russ Johnson, continuity editor, and Ben Paley, director of program operations.

Billy House Program May Continue for Wrigley's

Chicago, Nov. 22. There is an outside chance that the Billy House 'Laugh Limer' program will continue for Wrigley's even after Jan. 1 when the Jesse Lasky talent-hunt show is booked to replace.

House show has built so strong in the past few weeks, especially in the East, that the guys behind the desk are trying to figure out a way to keep House on in addition to the Lasky period.

Lulu Belle and Scotty back to WLS Barn Dance after finishing their picture work at Republic Pix.

Jitterbugs in Bag, Camel Widens Program for Non-Jive Dialers

Camel's main purpose of bringing in guest artists on the Benny Goodman show (CBS) Tuesday nights is to widen the program's listener appeal. Account figures that Goodman has reached his maximum of pull as far as the jitterbugs are concerned and that regardless of who the guest is these kids will stay on with the broadcast. Departure in policy already shows signs of clicking. With the initial guest, Kate Smith, the rating went up some 30%.

In going after the non-jitterbug classification of dial-twirler the program will offer a wide assortment of guest artists. Last week (Tuesday) it was John Boles, next week it will



'BLOODLESS THRILLERS'

Bob Emery with a background of successful kid shows has several brand-new, practical, merchandising programs with strong juvenile appeal, but no cliffs or gore to antagonize parent-teacher groups. These programs are in addition to Emery's two regular series on WOR, New York. Interviews are invited with advertising agencies.

BOB EMERY

Telephone Sacramento 2-5449

Winchell's 5G, Boyer, Power At \$4,000 W'kly

Top per radio minute commercial salary falls to Walter Winchell next season on Jergen's at \$5,000 for his 15-minute commercial. He's already renewed for 1939-40, through Lennen & Mitchell. Presently paid at \$4,000. Straight 52 weeks' deal.

Same agency is making huge advance salary commitments for its Woodbury's program, having renewed Charles Boyer for 39 weeks in '39-40 at \$4,000 a week, a \$1,000 weekly increase. Tyrone Power, who subs for Boyer starting Jan. 1, 1939, until July 1, likewise has been set in advance for 1939-40, at the same \$4,000 figure. That year Woodbury may have both picture names on concurrent air shows.

CINEMA TORCHY BLANE RESHAPED FOR RADIO

A Torchy Blane series built along the lines of the picture series of the same name is being offered for radio sponsorship. Show would be of half-hour duration and emanate from Hollywood through a tieup with Warner Bros., which produces the pictures.

Cast would be headed by the trio who have had the leading parts in almost all the films, Glenda Farrell, Barton McLane, and Tom Kenney. It's being peddled by the Ted Collins office in New York through Sam Schiff, who handles that end.

Burt McMurtrie to N. Y.

Hollywood, Nov. 22. Burt McMurtrie goes east Tuesday on radio deal. He has been inactive past three months due to illness.

Jitterbugs in Bag, Camel Widens Program for Non-Jive Dialers

be Harry Richman and the following Tuesday (6) the spot will go to Professor Quiz.

Camel's Holiday Blurbs For its current spot campaign Camel turned out a series of five special minute transcriptions revolving around the theme of Thanksgiving. Makes 105 different types of recording that have gone into this drive.

Though present contracts expire at the end of December, the campaign may be extended with the latter depending on the results of a check on the discs' effectiveness which is to be conducted the early part of next month.

1939 Expo May Quicken Homeward Return of Hollywood Originations

Adell Joins Joe Weed

Charles M. Adell has been named Detroit manager for Weed & Co. His predecessor, M. J. Thoman goes back to the station rep's Chicago office. Adell was with NBC in Chicago for four years.

Hillbilly Division of Disc Co. May Go Own Way As CBS Takes Possession

Consummation of the sale of the American Record Co., which takes in the Brunswick, Columbia and Vocalion labels, to CBS and the Levy Bros. (I. D. and Leon), was still pending at press time yesterday (Tuesday). There were several wrinkles still to be ironed out. It was again stated by the purchasers that neither Arthur Judson, head of the Columbia Artists Corp. nor J. C. Stein, of the Music Corp. of America, will have any part in the combine's new recording picture.

It is understood that CBS and the Levys are not interested in retaining American Record's hillbilly department, and that Art Satherly, who has been running this section for many years, will take it out of the company with him. Artists and managers have been sending out CBS about switching over their recording alliances to the acquired setup.

Tidewater's Football Supplemented Locally

San Francisco, Nov. 22. Eight Coast stations so far are airing the 'Dick Dunkel Radio Script,' offered free of charge to dealers by Tidewater Associated Oil, San Francisco, as a means of tying in with Associated's heavy schedule of football broadcasts.

Script, for a quarter-hour broadcast, reviews the previous week's most important grid games and makes predictions on the outcome of the coming week's major tussles.

Stations airing the script, through arrangements with local dealers, are KRSO, Santa Rosa, KYOS, Merced, KHUB, Watsonville, KROY, Sacramento, CA, KORE, Eugene, KRNR, Roseburg, Ore.; KRKO, Aberdeen, KRKO, Everett, Wash.

Cormier Leaves WINS

Albert A. Cormier quits his post as general manager of WINS, New York, Jan. 5. He will have completed a year's contract. Cormier came from WIP, Philadelphia prior to that he was general manager of WOR, Newark.

Question of replacing Cormier will be still Heart Radio's, since Milton Biow cannot take possession of WINS until the Federal Communications Commission has approved the sale.

MacQuarrie Sponsored

Hollywood, Nov. 22. Haven MacQuarrie, unsponsored since his series for Chase & Sanborn, goes back on the air commercially next week. Par soap bankrolls his 'Do You Want to Be An Actor?' turn on KFWB.

Swings over to Columbia's Pacific network if it clicks on the first 13 weeks as a local program.

Wilson's Miami Trek

Cincinnati, Nov. 22. L. B. Wilson skips WKCY for his Miami Beach hacienda Dec. 3 and will winter where the fishes fly. Will stop off at the FCC hearings in Washington en route to the sunshine.

WALTER MORAN DIES

Worcester, Nov. 22. Walter R. Moran, 46, commercial manager of station WOR, died of a heart ailment Friday in his home here. He had been ill only a few days. With station since 1932.

If there's any marked movement of commercial shows from Hollywood to New York after the first of the year it will be mainly due to the New York World's Fair. Some of the agencies with guestie programs are already giving this angle much consideration. They figure that the flow of celebrities not only from the west coast but from all parts of the world will make available a reservoir of guest material that for variety and extent will be without precedent in the history of the medium. One agency that strongly favors the back-east trek because of the talent availability outlook is J. Walter Thompson. While Rudy Vallee is due back after the first of the year, there is a possibility of the Chase & Sanborn hour again originating out of New York and the proposed Kellogg show making the same town its teeing point after the initial 13 weeks or sooner.

AMERICAN LEAGUE EXTENDS BID TIME

Chicago, Nov. 22. American League has extended the time for bids on baseball rights for 1939 from Nov. 15 deadline to Dec. 1 at the request of advertisers who claimed that they needed the extra time to figure out their play-by-play appropriations. Bids are to be entered on both an exclusive and non-exclusive basis, though it is understood that American League will not grant any exclusive other deals.

National League makes no deals on baseball as an organization, each individual club owner making his own arrangements for baseball broadcasts and play-by-play rights.

N.A.B. MOVING

Leaving National Press Bldg. for Greater Elbow Room

Washington, Nov. 22. Removal of National Association of Broadcasters to more commodious quarters takes place at the start of the year. Trade group has leased entire floor in new office structure on K. street, just opposite headquarters of WOL and Mutual Broadcasting system, abandoning the National Press Building where it has been housed since inception.

Impossibility of obtaining more room to accommodate expanding staff dictated the shift. Numerous engineers and radio attorneys will follow and the new building may become center of industry activities here. Several blocks farther from the FCC and government departments but closer to most of the leading hotels.

Pete Kurtzer, Miss Gratz Quit Blackett for Kastor

Chicago, Nov. 22. Petersen Kurtzer, who has been radio service manager for Blackett-Sample-Hummert here, has resigned to join the Kastor agency locally for radio service supervision. Switches over next week after nine years with B-S-H.

Also moving to Kastor with Kurtzer is his assistant, Jennie Gratz, who has been handling radio service on the Procter & Gamble other shows for B-S-H.

Sam Pickard in Hospital

Atlanta, Nov. 22. Sam Pickard, formerly CBS' W. P. in chair of station relations, is recovering in the Piedmont hospital from a cartilage operation on his knee.

Complications threatened to set in when a blood clot developed but this aberration was soon brought under control.

FARRAR TO SING

Hartford, Nov. 22. First vocal 'come-back' by Geraldine Farrar since retiring from the concert stage some years ago will be over WTIC on Sunday (27). Scheduled for an interview on WTIC's 'Connecticut Hall of Fame' program on that date. Miss Farrar—now in retirement at her Connecticut estate—wrote studio to say that she'd rather sing than talk.

RADIO'S INEPT PRESS AGENTS

THEY'RE PET HATE OF NEWSPAPERS

National Association of Broadcasters Canvasses Whyfores of Publisher-Broadcaster 'Feud' and Finds Out It Is Partly a Matter of Abuse

BLAH MIMEOGRAPH

Washington, Nov. 22.

Truce between broadcasters and newspaper publishers which would partially counteract the wave of animosity which occasioned hundreds of rags to discard radio columns and tighten up on publicity was in prospect this week. National Association of Broadcasters and American Newspaper Publishers Association both actively working on improving relations between the two competitive mediums.

Concrete move to bridge the gap was made last week and other attempts to straighten out the situation are in progress this week. Meetings between informal groups representing both industries probably will occur in time.

First direct attempt to work out a mutually-acceptable plan was a tete-a-tete session here at which Ed Kirby, publicity director of NAB, surveyed the problem with J. S. Gray, chairman of the ANPA radio committee. Found they were not far apart and an understanding is by no means impossible of achievement.

Meets With Stahlman

These conversations are being supplemented this week by talks between Neville Miller, prez of the radio trade organization, and James Stahlman, publisher of the Nashville Banner and head of the press society. In Nashville for NAB district meeting, Miller had appointment scheduled to sit down with Stahlman and exchange views directly. Some time ago good will was established through letters, with the press spokesman agreeable to a meeting.

Contrary to belief widespread in radio circles, newspapers have no universal hostility toward broadcasters. Kirby was assured by Gray, who made trip from Munroe, Mich., especially to initiate search for a solution. Abolition of daily columns and Sunday pages was prompted by realization that much radio publicity was not worthwhile, that special sections had become romping ground for personal press agents, and that the press was going too far in boosting a competitor, he explained. But publishers generally appreciate radio has a legitimate place in the advertising, entertainment, and information fields, although a few diehards feel bitter, like the lively stable owners did about the automobile.

News That Is News

If radio can dish up newsworthy paragraphs, rather than disguised advertising, the press probably will be more sympathetic, Gray intimated. Respectable information about the industry as a whole, intriguing items about personalities and individual units—stories which can stand on their own feet and command space in competition with other material—have a chance of getting into print. Door is not irrevocably closed to radio.

Determination of NAB to try and straighten things out with the publishers is clearly apparent. Recent VARIETY survey showing how many rags have tightened up—and how much—made a deep impression, causing broadcast people to embark on program of self-examination to see what's wrong. Until the VARIETY coast-to-coast survey, radio leaders were inclined to think the ascendency was merely a temporary and purely-localized set-back. Shown that publishers everywhere have joined in the movement, NAB execs

LOOKING INTO RADIO P.A.'S

Hot on the trail of the 'whyfores' of some of radio's chronic problems, the National Association of Broadcasters has looked into what newspaper publishers think of radio news. They have already made an important discovery—newspapermen seldom refuse news but they do refuse—and invariably hate—the senseless pap sent out by press agents. If there is one thing a newspaperman with any pride of craftsmanship finally comes to loathe it is those mimeographed insults to his intelligence which every mail brings in. Radio will learn a lot when it learns how bad, how inept, how lazy has been its press agency.

Press agents who moan and feel sorry for themselves because dailies close up on free space for stuff that is not newsy or important—and frequently not true—have themselves partly to blame. Whole premise of their professional attitude and philosophy has been the premise of a racketeer. They have played both sides for suckers. First, the accounts, sometimes individual, sometimes organizations, have been misled and misinformed as to the nature of the problem of publicity. Second, the newspaper editors were sloppily serviced, not protected, shamelessly exploited and their good nature imposed upon.

And most malodorous of all in radio press agent practice in the past has been the deliberate use for private advantage of broad hints that the clue to publicity was graft. Perhaps there was some graft and some grafters among the newspapermen involved. But the press agents that developed and exploited this line of reasoning in order to attract clients were nursing along something that self-respecting newspapermen have bitterly resented. In implying that they 'took care of' newspapermen, and therefore enjoyed special privileges and ins, the press agents have led people, too remote mentally to know fact from fancy, to regard the whole tribe of journalists as something pretty snide—powerful but mercenary. No newspaperman likes to run into that 'assumption' that he's a chiseler.

Newspapermen around the country are reported to resent the screwball type of reporter habitually delineated in Hollywood screen stories. Less widespread perhaps but still present among newspapermen is a deep-seated resentment for the mental picture of newspapermen the radio industry has been given—

are conscious that serious attention and thought must be given.

Inept

Faux pas of over-enthusiastic and ill-advised station, advertising agency, and network propagandists are chiefly blamed for exasperating the publishers. Broadcast people able to take an objective view privately agree editors cannot be condemned for becoming disgusted with attempts to chisel space for the sake of impressing the sponsor-client group or of building up microphone personalities. Study has demonstrated radio relied too much on goofy, insipid, and trashy bits—regarded, because of lack of experience and understanding, as 'human interest' or amusing—to publicize its accomplishments. Not enough semi-scientific stories or self-restraint on chest-thumping.

Idea being mulled is to try and stage a shirt-sleeve conference between pick and shovel workers in each industry. Through NAB, radio praisers and desk-pounding editors may be brought together to explore the entire field and see what can be done about satisfying each other. Press associations may be brought into the picture, with broadcasters feeling the wire services are falling down on the job of covering legitimate news.

Mags' Attitude

Radio has a strong talking point, if it realizes its own deficiencies, while publishers are far more friendly than in the past because of general alarm over the trend of government regulation of broadcasting. Fact that national mags, notably Time and News-Week, concede radio

and consciously—by press agents who whisper, 'I know where the body is buried.' Which is not to ignore a few of the well known journalistic prima donnas, either.

There is altogether too much irresponsible mimeograph sent out. Networks lead off in this practice, not because they are unaware of the over-abundance of sheer unprintable nonsense which they send out, but because advertisers force them to keep up fat scrapbooks of stuff that never made printer's ink. It's all pretty silly.

Problem is vast and complex and neither N. A. B. nor anyone else will readily find an easy way to improvement. It is to some extent a game of wits, and the temptation to get something for nothing—free space—finds just enough regular encouragement due to the newspaperman's yen for stories. For the press agent today's 'break' is what counts. That resistance is strengthened by the endless multiplication of press agent abuse is not a point of view that can be implemented and brought to bear effectively on the 'system.'

Crying need is more understanding. An end to the misrepresentation to clients by press agents would be asking too much of the press agents' own bread-and-butter plotting. So that the improvement must come, as usual, from an enlightened and sophisticated body of 'buyers,' who will debunk the easy claims and the other-guy's-a-grafter alibi of inefficient practitioners of the publicity art. Right now radio publicity is the private football of boys that are getting theirs and see nothing else.

It's unwholesome to have press agents spread the idea that they, by dubious and ultra-personal means, are the only channels through which news may reach certain editors or publications. In this connection VARIETY recalls that not many months ago it editorially repudiated a tendency toward a new specialty, 'trade paper counselor.' Idea that was being peddled to radio stations around the country was that they, the trade paper counselors, could get station publicity published. Maybe they can. VARIETY for its part stated bluntly it would have no dealings whatsoever with this new 'profession.' Any self-respecting publication maintains reporters to do what these trade paper counselors were suggesting that they were uniquely qualified to do.

ELBOW ROOM FOR KELLOGG

Hollywood, Nov. 22.

Two shows will be dispossessed of their time on NBC-red net second week in January to accommodate the new Kellogg show, now being whipped into shape by John U. Reber of J. Walter Thompson agency. Woodbury Playhouse may jump to the blue web when the vacate order goes out, and Signal Carnival, long a coast standby, will take the next best available on the Pacific red.

Hour cereal show takes a Sunday airing at 7 p.m., hitting the east from 10 to 11 p.m.

occasionally produces copy which is worth printing will be stressed. Also that if censorship—either outright or veiled—is imposed on broadcasters, freedom of the press is likely to be the next target. Latter point is appreciated by the publishers, as was reflected when Gray reminded Kirby that newspapers generally have taken up the cudgels on several occasions.

With so many publishers also owning transmitters, negotiation of a treaty should not be impossible. And the FCC's demonstrated belief that close links between the press and radio often is contrary to public interest gives another common meeting ground.

Lum, Abner Charge Hay Acted Illegally as Mgr.

Los Angeles, Nov. 22.

General denial of claim by Bill Hay, announcer for Amos 'n' Andy, that he is entitled to 10% of their earnings was filed in Superior Court by attorneys for Chester Lauck and Norris Goff (Lum and Abner) in answer to suit filed recently. Hay is asking for accounting of rural team's earnings since managerial contract was signed in 1931. His complaint approximates their income for the disputed period at \$500,000.

Contention set up by L. & A. is that at time five-year deal was inked Hay was announcer, salesman and entertainer at WMAQ in Chicago and that his employment by the station prohibited his acting as manager for the rustics

Tommy Riggs Due West

For 2nd Universal Pix

Tommy Riggs may go out to Hollywood after the first of the year to do another picture on his Universal contract. There's been talk with the film company but no mention has been made of a stipulated date.

Shift of his Saturday night program is stipulated in the mime's contract with Quaker Oats.

Don Francisco, now Lord & Thomas as headman, doubled back to Hollywood to have his first look at his first grandchild.

N. A. B. DUCKS BRITISH-TYPE AIR MAG

Washington, Nov. 22.

Idea of a national radio publication, aimed at the public and patterned after the weekly listener magazine of British Broadcasting Co., received a setback last week when figures in National Association of Broadcasters decided the trade group cannot sponsor any type of booklet which promotes one member of the family.

Despite some enthusiasm for such a move to boost the industry's public standing, informal committee of NAB leaders told David Rosenblum, former treasurer of NBC, they felt it impractical for the trade group to take any part in an enterprise of this kind. Mag would have to be national in scope—due to difference in time zones, impossibility of obtaining complete program schedules sufficiently far in advance, and other physical factors—and with over 300 local stations in the roster the NAB would have to snub a substantial proportion of its membership in joining an undertaking of this character.

If Rosenblum wants to take a flier on his own, the trade body probably will do sideline cheering, since the idea has hit numerous members of the industry as a sound means of getting around the tightening up on newspaper publishers on free publicity and station owners or network executives, who have studied radio abroad are deeply impressed with the BBC's weekly sheet.

'Howie Wing' Serial Has Ballyhoo Tie-Up With Paramount Pix

Chicago, Nov. 22.

Stations carrying the 'Howie Wing' network strip for Kellogg are being asked by the J. Walter Thompson agency here to cut-in with special local announcements in a deal set by the agency with Paramount pictures for the guesting of Fred MacMurray on the ether show.

MacMurray is currently starred in the Paramount flicker, 'Men With Wings,' also an aviation yarn. Agency is asking the stations to announce that the picture may be seen at specific theaters in their own communities, with an especial plug and appeal to the kid members of the Howie Wing club to hustle around to the theatre to view the flicker.

Indications are that most of the stations are nixing the agency request unless the agency wants to drop a little extra mazzum to take care of incidental expenses.

WHN COMBO WILL DO EVERYTHING BUT COOK

Station WHN, New York, is re-vising its house orchestra from ground up. Present players are working out their eight weeks' notice given them by Manager Herb Petey. Under the revision the 12 men will be marked by individual versatility. Idea is to have the 12-man quota so organized as to be capable of splitting up into chamber, swing, cocktail and solo assignments.

Roy Smeek, guitarist, has already joined staff. Dick Ballou will be new director. Don Albert continuing as co-director. Ballou will give WHN an experienced arranger, filling a long-felt need. Few of Ballou's brasses come with him. A three-man unit of Bob Hamilton at Hammond electric organ plus pianist and Henry Witmer, drummer-m.c., is also in prospect.

Transcriptions Face Rising Costs, But Price Boost to Stations Not Good Tactics, Say Waxmen

Report current in the trade last week that several recorded library services had got together on a pact to raise their rental fees 25% when present contracts with stations expire received an emphatic denial from the companies concerned. It was stated that there had not been any intra-industry discussions on this topic and that even with the boost in production costs caused by the new rates for musicians it would be unwise to add further to the broadcaster's music overhead.

According to the report the recorders felt that the part of the substantial increase in their musicians payroll ought to be passed on to their station clients. This increase is estimated to be anywhere from 85% to 110%.

Head of one major library service remarked that what the transcription industry needed more than an increase in rates was a trade organization through which common problems could be discussed and handled and certain inhuman tendencies curbed. He said that he realized that NBC would likely be opposed to entering such organization since its practice of barring other recorders from taking off its broadcast programs would be a point of major contention among the membership.

N. A. B. LIBRARY SOLUTION SOON

Washington, Nov. 22.

Final decision about disposing of the National Association of Broadcasters transcription library will be attempted by the Board of Directors next month, following inability of the executive committee last week to reach a conclusion on two propositions to take over the white elephant.

Request for further details and proof of ability to carry out promises was handed the competing prospective buyers, E. V. Brickerhoff and Langlois & Wentworth Wednesday (16) at executive group session where reactions were exchanged by members of the NAB high command. Each commercial disc-maker has been invited to come to Washington Dec. 12 and 13 ready to put his terms in writing and sign a binding contract which will get the radio group out of the recording business.

While no clear-cut evidence of feeling resulted, executive committee members were divided over the cash-on-the-barrel-head offer by Brickerhoff and the percentage scheme outlined by L-W. Some members seemed inclined to think NAB should be wary of both proposals, but other sentiment was in favor of hailing out and recovering the maximum of the more than \$50,000 already invested in the Bureau of Copyright.

Some objections heard to the idea of letting L-W paste an NAB label on its own platters. Principal desire of the broadcasters is to be positive whoever gets the library will supply the industry with high-calibre recordings of sufficient quality to form a base for sustaining program structure.

FILM MEN'S NEW CO. TO PRODUCE AIR SHOWS

Herbert Eberstein, film man, and William and Harry Brandt, picture theatre operators, have joined in a new enterprise, Radio Attractions, Inc., to produce air shows.

First three radio programs are 'Shadow of Fu Manchu,' by Sax Rohmer; 'Ella Cinders,' newspaper cartoon strip by Bill Connelman; and 'Hop Along Cassidy' series of yarns by Clarence E. Mulford.

Why Not Have a Baby?

Los Angeles, Nov. 22. Under the title of 'Why Not Have a Baby?' KFI inaugurates a new series today (Tues.) with an unidentified medical man giving a frank discussion of pre-natal problems and dispelling superstitions attending childbirth. Jose Rodriguez, educational director for the station (NBC red), and Jimmy Vandiver, special eventer, handle the commentary.

ANOTHER HOUSE AD WALLOPS AIR MARS

Oklahoma City, Nov. 22. Another competitive media crack at 'Man from Mars' broadcast was boldface advertisement appearing in the Oklahoma News. Captioned '31 Years Ago It Was Mr. Slayzack from Mars. . . 1938 Has Its Man from Mars.' Ad read:

'But then and now newspapers have the facts! Mr. Slayzack from Mars was a cartoon character of the Oklahoma News 31 years ago. He is mentioned in the story of statehood for Oklahoma appearing in The News today. The adventures of Mr. Slayzack were entertainment. But the story of statehood was history, written 31 years ago and studied today for its factual information. Today has its entertainment and its fact. If And When The Men From Mars Come—you'll know it first in your newspaper!'

'You may hear about it elsewhere. But you won't know it until you read it in your newspaper.'

'News departments of newspaper daily receive reports of strange happenings, sensational events, daring crimes.'

'Check!'

'One of the first and major obligations of journalism is Accuracy.'

'Check!'

'Every report must be verified, verified, verified.'

'Check!'

'When you read it in your newspaper you feel sure it's true!'

'When word-of-mouth rumors spread the first thought of people is 'Let's phone the newspaper.' If a report is unconfirmed, it is given as unconfirmed. If an article of fiction, it is clearly marked fiction. It is this quality of cold, dispassionate Accuracy that makes your newspaper so valuable to you.'

Charles Boyer and the missus (Pat Paterson) face the mike for the first time together on Wodbury Playhouse Nov. 27 in 'Ghost of Tronjolly.'

Freeman Demands Opera Auditions Case Be Aired in Open Court

Federal Judge Samuel Mandelbaum will decide within the next few days whether to dismiss or order the case of NBC and Warwick & Legler against Charles Henry Freeman, Jr., concert manager, to go to trial. Agency and network last week asked that its own complaint be tossed out after Monday (21) had been set as the date of trial for the issues which have been hanging fire since 1935.

W&L, then known as Cecil, Warwick & Cecil, had at that time got a temporary injunction restraining Freeman from claiming that the Metropolitan Opera Auditions of the Air was lifted from a program idea that he had been peddling around the trade. In its complaint the agency charged that Freeman had damaged it to the extent of \$78,891. Interference of contract with the Sherwin-Williams Co. was part of the allegations.

Freeman now demands that the controversy be aired in open court, and opposes the efforts of W&L and NBC to have the action dismissed without costs.

Better Than Original?

Houston, Nov. 22.

Too vivid descriptions of wrestling matches, broadcast from ringside by Harry Grier of KTRH, caused cancellation of the broadcasting contract.

Grier's descriptions were so entertaining the cash customers were staying away from the matches, and listening to them over the radio. Morris Sigel, wrestling promoter, maintained in cancelling his contract.

Free Time Demands Scrutinized by N.A.B.; Many Different Kinds

Washington, Nov. 22.

Campaign against free-time advertising was broadened by National Association of Broadcasters last week when members were advised to be leery of three other feelers. Denied it has attempted to blacklist the programs offered by American Roadbuilders Association on highway safety.

At same time trade group reminded members about the provisions of the code of ethics in reporting that stations have been propositioned by Wildrick & Miller, New York advertising agency, and Crazy Water Hotel, which want time on a cost-per-inquiry basis, and E. B. Marks Music Co., which offered free music.

WFIL DENIES LIBEL ON MOE ANNEBERG

Philadelphia, Nov. 22.

WFIL and Sam Rosenbaum, its prez, filed pleas of innocence last Friday to charges of libel brought during the recent political campaign by Moe Anneberg, publisher of the Philly Inquirer.

Suits in Common Pleas Courts, were based on a speech delivered on the station by U. S. Senator Joseph Guffey. Guffey outrightly attacked Anneberg, who filed suits against the Philly Record; J. David Stern, its publisher, and Albert M. Greenfield, Democratic biggie, as well as WFIL, Rosenbaum and Guffey, because of the speech.

No trial date has been fixed.

Uses Flying Wedge?

Macon, Ga., Nov. 22.

E. K. Cargill, WMAZ prexy, is doubting his prowess as a football coach. Local midget team, coached by Cargill and wearing WMAZ jerseys, has lost every game they have played.

Cargill admits his playing of 15 years ago may be somewhat outdated.

Clear for Toscanini

Indianapolis, Nov. 22.

WIRE has moved its news broadcast by Bill Froesch, sponsored by Sterling Beer to give listeners that complete one and half hours of Toscanini program.

Station previously dropped last 15 minutes of concert program.

Big Toy Campaign

Milwaukee, Nov. 22.

'Billie the Brownie,' perennial Christmas favorite of children, opens its eighth season on WTJW sponsored as usual by Schuster department stores and handled by Larry Teich. Pulls more than 50,000 pieces of mail last year.

Promotion is climaxed shortly before Christmas with big parade with floats through main streets. Sponsor out to corner the Christmas toy market in Milwaukee.

Charles Burton's Job

Charles W. Burton, one-time manager of WEEI, Boston, is now with the President's Birthday Celebration Committee under Fredericka Millet, the radio director.

Campaign is being organized through regional sub-committees this year.

Neville Miller is to be chairman of drive's radio division and Joseph M. Schenck of the film end.

Inside Stuff—Radio

Brass-tacks conference about joint educational-promotional program to inform the radio audience about broadcasting industry was scheduled last week as the National Association of Broadcasters good-will campaign gained momentum.

Talk about the exact mechanics of the tie-up between broadcasters and set makers will take place in Chicago next Wednesday (30) when Neville Miller, the NAB president, huddles with executives of the Radio Manufacturers' Association. Two units will link hands in preparing a 'primer' to go with every receiver, explaining some of the scientific fundamentals of broadcasting and expounding arguments about the desirability of a private enterprise system, especially as contrasted with the politically-run foreign type of radio.

Other methods of cooperation which will build good-will for each branch of radio also are due for canvassing. No ideas have crystallized, although NAB hopes to have the support of the equipment manufacturers in future tiffs with Congress and in any FCC proceedings which may affect the structure and basic operating practices of the industry.

To aid in determining the value of recorded history as a supplement to academic courses, the Federal Theatre Radio Division has made a tieup with Ohio State University. FTRD will supply platters of its current 'Men Against Death' series to be used in a series of experiments in high schools in and around Columbus, Ohio, and Detroit.

Results of the experiments will be gauged by Ohio State's Evaluation of School Broadcasts Dept. If it is deemed successful efforts will be made to install broadcast education in all upper grade schools.

CBS is maintaining a completed ban against the airing of Harrigan and Hart's 'Mulligan Guard' series for fear of running into copyright complications with the heirs of Edward Harrigan and David Braham, co-authors of the song numbers. Copyright renewals of quite a number of the tunes have expired long ago, but the network's jittery outlook on the status of all these works has resulted in the inclusive taboo. Original copyrights on the famous show numbers range from 1873 to 1895, which indicates that the last of them won't go public domain until 1953.

City of Detroit, and not CBS or Orson Welles, is the defendant in this damage suit filed as result of the recent 'Martian Invasion' broadcast.

Douglas LeDuc, on behalf of his daughter, is asking damages from the city because she 'actually believed the world was coming to an end' and, while hurrying to tell him about it, tripped over a bump in a sidewalk and broke her ankle. City requested LeDuc to specify how much he wants, although it doesn't figure to lose case on the 'Martian Invasion' score.

Morris Novik, director of N. Y. City's station, WNYC, must appear before a special investigating committee of the City Council, the Appellate Division of the Supreme Court decided Friday (18) when it upheld the ruling of Justice Kenneth O'Brien that Novik was subject to subpoena by the council committee. Latter is investigating charges that the station has been used for transmitting communistic and other alleged subversive propaganda.

New York State Senate will, for the first time, have a radio commentator as a member, Phelps Phelps, broadcaster over WMCA and the Inter-City network, is the new senator from the 13th (Manhattan) District.

Another N. Y. state legislator with a radio connection is Arthur L. Parsons, reelected as Republican assemblyman from Schoharie county. An automobile dealer, Parsons has frequently miked on programs sponsored by his agency over WGY.

Paul Roberts, who authored 'Roy Powers, Eagle Scout' under the tag 'Paul Powell,' has sold out his interest in the comic strip to Ledger Syndicate, which handled it, in order to work on an adaptation of it for CBS. Roberts understood to have an exclusive tie-up with the Boy Scouts for use of their name and is expected to get a sustaining spot on Columbia while the chain seeks a sponsor for his late afternoon or early evening kid show.

Three new vice-presidents were added last week by the board of directors to the 11 which the N. W. Ayer & Son agency already sports. Newcomers to the crop are Warner L. Shelley, who'll be in charge of service in the New York office; James M. Wallace, in charge of plans-merchandising, and Thomas H. Gilliam, Jr., who'll head the service division in the Philly office.

A system whereby prospective sponsors of radio programs can get immediate audience reaction is contemplated shows or individuals has been made available by the new Muzak Sponsored Program Service. Latter is a system of wired entertainment recently inaugurated and supplied to bars and grills at a price lower than Muzak's regular service and distinctly separate.

Lawrence Hammond, freelance radio writer, was last Saturday (19) granted a divorce in New York supreme court. Poughkeepsie, from Sue Taylor, who scripts the 'Lorenzo Jones' serial for Blackett-Sample-Humert. Pair were married about seven years ago, but Miss Taylor about a year and a half ago obtained a Mexican divorce and married Paul Wellrose White, CBS special events head, in Virginia.

Capitol (N. Y.) Theatre Family, oldest consecutive weekly sustainer, learned while celebrating its 16th anniversary last Sunday (20) that it held the highest C. A. B. rating for a daytime show (9.7). It was an NBC feature until Chrysler products started Major Edward Bowes over to CBS two years ago.

Carter Coal's 'Hermit's Cave' spook show, piped from WJR, Detroit, receives instantaneous recording treatment for airing by WKRC, Cincinnati, on Sunday nights. It originates on WJR while the local CBS station is broadcasting the net's Headlines and Bylines stanza, which it follows here.

One of the oldest continuous radio programs on air, weekly religious broadcast of Wheeler Rescue Mission, Indianapolis, celebrates 13th continuous year on WFBM this week. Programs started in November, 1925.

Al Coles, occasional WICC broadcaster and leader in Bridgeport (Conn.) music circles, was elected state senator in the recent polling. Coles' win was especially notable because he survived as a Democrat against Socialist sweep in Bridgeport led by Mayor Jasper McLevy.

Daily Worker, Communist newspaper in New York City, has radio ambitions. Has approached practically every station in Manhattan to buy time. Stations are insisting that a guarantee of 'no controversy' be given and that seems to chill the matter every time.

Helen Kiley to WEEI

Philadelphia, Nov. 22.

Helen Kiley, secretary to the program director at WFIL, leaving on Nov. 26 for WEEI, Boston.

She'll serve as one of the 'Jean Abbey' fashion commentators spotted throughout the country by Pictorial Review.

Lanny Ross Sponsored

Lanny Ross went on the Lucky Strike Hit Parade Saturday (19). Singer was signed a week ago Tuesday for 13 weeks.

Ross will work from the east with Al Goodman's orch.

COUGHLIN'S HOT POTATO

RADIO PRIEST ANTI-SEMITIC?

WMCA 'Footnotes' Coughlin's Views with Its Own Rebuttal Interpretations—Apart From the Religious Bias, It's a Tough Spot for Radio, on Heels of the Rutherford Stuff

PREFER QUIETUS

Father Coughlin in the third speech of his new broadcasting series Sunday (20) adopted what is considered in many circles to be an anti-Semitic attitude and thereby precipitated what may grow into a national issue of radio censorship. Speaking over about 50 radio stations in a specially-arranged hookup, the Detroit priest repeated most of the standard charges that Jews are the prime instigators of communism. He also quoted the Nazi viewpoint that Jews caused Germany to lose the war.

Station WMCA, New York, took a leading part in the events leading up to Sunday's broadcast. Although the first two addresses by Coughlin in his present series were not proof-read in advance of broadcast, because of Coughlin's assurances they would be neutral, the priest submitted his script to the station for the third session. Thereupon WMCA officials were on the long distance telephone the Saturday ahead of the broadcast and as a result the first draft was changed and later a second draft was also changed. What was finally broadcast and caused the uproar was a third draft. WMCA asserts that either by misunderstanding or deliberation Coughlin did not avoid the offensive material they thought he had agreed to delete. Station was surprised as the priest over the phone had apparently shown a disposition to tone down the anti-Jewish bias. As a matter of fact Coughlin dislikes being called an anti-Semite and implies 'some of my best friends are Jews.'

WMCA stepped in following Coughlin's speech and broadcast a statement that Coughlin had made errors of fact in his talk. This step caused considerable speculation in the trade as to the right of a station to editorially comment in this fashion. John Shephard's present difficulties with the FCC stem from 'editorializing.' (Other stations have from time to time and for various reasons done the same. It is recalled that Lambdin Kay of WSB, Atlanta, once stood by and made an immediate rebuttal to former Gov. Talmadge of Georgia.)

Indicative, Especially Now
Stations on the Coughlin hookup were particularly embarrassed in the larger centers where there are mixed populations, including large segments of Jewish extraction and where Americanization movements constantly seek to play down racial hatreds. Stations on the Coughlin hookup were in general puzzled as to what attitude to take. There was a feeling that Coughlin had placed himself in a class with Judge Rutherford of Jehovah's Witnesses as a red hot potato for radio to handle. What distressed radio stations generally was a fear that Coughlin's warning against Jews might, in the absence of any official repudiation by the Catholic hierarchy, be taken by many as doctrinal. Thus radio stations felt they were in the intolerable predicament of choosing between Jews and Catholics. Many, however, anticipated that Coughlin would not again touch the question. It was felt the Church high command would see to that.

WMCA will 'not permit a repetition of stirring up of Jewish hatred by Coughlin, but its management, which is Jewish, deprecates having to go further. There is apprehension that any act, no matter what the justification, that seemed to be censor-

On the Phone

Cincinnati, Nov. 22.
'What are you going to do?' seems to be the question which the Coughlin stations are asking each other by long-distance telephone.

Buzz-buzz has been going on since Sunday night and reflects the confusion in minds of broadcasters at being confronted with such a ticklish question.

ship of a Catholic priest by a Jewish radio licensee could have invidious possibilities. WMCA probably speaks the attitude of the majority of stations on the hookup that the matter can be smoothed over and not further aggravated.

Missing element in the delicate situation, it is commonly agreed, is the attitude of Catholics generally. Protests thus far received are said to be more from Catholics than from Jews.

Coughlin, it is recalled, has been a storm center in broadcasting on several previous occasions. No communication has been received since the Sunday broadcast from Coughlin and there is no intimation of his future policy at the moment.

Coughlin Nixes Rebroadcasts

Bridgeport, Nov. 22.
Father Coughlin spurned an unsatisfactory suggestion of John Shephard that his broadcasts be locally recorded for repeats at night due to commercial commitments of WICC here. No good, said the priest. WEAN, Providence, also turned down for like cause.

Coughlin Also Praised

Detroit, Nov. 22.
Anti-Jewish talk by Father Coughlin Sunday caused storm of protest to WJR, originating station for indie hookup, but unlikely any censorship will result or priest will be put off air. Leo Fitzpatrick, of WJR, washed hands of whole affair, declaring speeches are supposedly approved by Coughlin superiors and as results station rarely sees talks. Hundreds of 'wired protests and demands Coughlin be put off radio were followed by flood of other wires commending priest for 'exposing the Jews.'

Address hit ozone while all faiths were holding giant anti-Nazi rally in Naval armory here.

AIR PROTEST FROM SPORTS WORLD

Mutual, in a note sent to all affiliated stations on Monday (21), gave an explanation of why the script of Sam Balter's sports show was changed at the last minute on Saturday (19) evening and why the web will air a broadcast by the American sports world next Sunday (27) protesting treatment of the Jews in Germany.

It was explained that Balter, who does daily sports comment for Bayuk Cigars, had planned to devote his entire Saturday show to such a protest. Net nixed it, however, because it felt it wasn't fitting for a sports program. Bayuks then protested, claiming that inasmuch as all sorts of other groups have heaped imprecations on Hitler, there was no reason why the sports world shouldn't, too, especially as Germany's action is so unporting.

Mutual compromised on the thing by donating sustaining time to Balter for his air protest. It is tentatively set for 11:30 to 11:45 a.m. Sunday. If, however, there are too many leading sports figures who want to participate, which now seems likely, the web said it was prepared to move the show to 1:30 to 2 p.m. so it can have a full hour.

George McGarrett returned east after washup of W. C. Fields cut-in on Luckies Hit Parade.

PAINE OF ASCAP INVITES NEVILLE MILLER TO 'FRIENDLY' DISCUSSION OF PROBLEMS

**Carl Pierce Radio Exec
Of New Frisco Ad Agency.**

San Francisco, Nov. 22.
New advertising agency has been formed here by Remo Cesana, formerly with James Houlihan, Inc. Firm, to be known as Cesana and Associates, Ltd.
Radio director is Carl W. Pierce.

RCA NEEDLES SET BALLYHOO

RCA is launching a special campaign to sell America on the idea, give radio sets at Christmas presents. Going ahead on own after countering red tape in stirring other manufacturers to cooperate. RCA Magic Key program on Sundays over NBC will be one of the springboards. Newspaper copy, dealer tie-ins and local NBC-owned and managed stations will be other channels. America should sell about 6,000,000 sets this year. In 1937, about 3,000,000 were sold. Television publicity may have had some slight influence in the higher-priced sets which declined most of all but did not retard sale of cheaper sets, in informed opinion.

Marked slowing down in set sales was well advanced by late summer.

New Reciprocal Tariff

Washington, Nov. 22.
Occasional benefits for U. S. manufacturers of radio apparatus and other musical instruments contained in the new British and Canadian trade treaties signed this week and effective Jan. 1. This country, however, opened the door wider for British competition.

Lower preference for sets from Great Britain promised by Bermuda, which dropped the differential by 5%, while Ceylon made the same concession. Canada promised not to raise the duty on radio receivers, phonographs, and musical instruments, now 25% over 25%. Promises not to increase the preference for Mother Country radio equipment given by British Honduras, Cyprus, Jamaica, Leeward Islands, Malay, and North Rhodesia.

In return, the U. S. cuts duty on radio apparatus and parts from 35% tariff on phonograph discs. Britain chops the excise on gramophones and records from 33 1/3% to 25%.

Philco Statement

Philadelphia, Nov. 22.
Following complaints from dealers that press stories about the imminence of visio are holding up sales of new radio sets, while, on the other hand, dealers are selling short-wave equipment on the misleading promise that it'll receive visio sound signals directly, Larry E. Gubb, Philco pres, this week attempted to straighten out both angles.

He declared, 'No radio receivers sold today or likely to be sold in the near future are designed to receive directly television sound signals. This is true whether the equipment is long or short wave.'

Censorship Condemned

Des Moines, Nov. 22.
Students and faculty of Drake University, Des Moines, are overwhelmingly opposed to radio censorship or government interference in radio control, a vote taken a couple of days ago indicates. The poll showed 64 members of the school to be opposed to government regulation or only 23 of the 667 queried believe radio needs a censor. Senator Clyde L. Herring, one of the most ardent advocates of government supervision of radio, hails from Des Moines.

**Two Men Meet Through Shotwell Committee—
Miller Tentatively Accepts Invitation to Series of Talks After FCC Hearings Are Over**

More Fantasy

Trenton, Nov. 22.
Although a month old, the Orson Welles radio episode is still 'packin' 'em in' on week-ends at Grover's Mill, scene of the fictional Martian 'invasion.' Particularly after Princeton football games, hundreds have been driving the extra three miles to the little hamlet that was put on the map by CBS. Roadside stand proprietors in and around Princeton report a healthy weekend increase in trade still continues, with hundreds of Sunday joy-riders dropping in to ask the way to Grover's Mill.

Radical change in the psychological relationship between the National Association of Broadcasters and the American Society of Composers, Authors and Publishers is expected to develop from the series of discussions that Neville Miller, NAB prez, and John G. Paine, ASCAP general manager, have agreed to hold during the course of the next few months. It will make the first time that spokesmen for either organization have undertaken to get at the basis of their conflicting viewpoints and try to obtain a clear view of each other's problems.

Proposal for this procedure was made by Paine while he and Miller were attending a (radio) subcommittee meeting of the American National Committee on Intellectual Cooperation. This group, which has Dr. James C. Shotwell as chairman, is interested in the passage of an amended United States copyright law which will conform with copyright pact binding the leading European nations.

Paine's Suggestion

Paine suggested that much could be gained by both ASCAP and the NAB if a greater effort were made to apprise each other of the pertinent problems faced by either industry. Heads of ASCAP, said Paine, realized the controversy between the networks and independent stations on performing rights obligations had more serious implications than were apparent on the surface. Paine stated that he and his organization would like to become thoroughly acquainted with the situation and they, in turn, would like to make clear to Miller the economic problems that confront the Society.

Miller explained that because of the industry investigation by the Federal Communications Commission now going on in Washington he would have to stay close to home for a few weeks but that he would enter into the suggested conversations as time for visits to New York became available.

Also present at the meeting of the radio division of the ANAI were Robert Myers, of NBC's legal staff, and Sidney Kaye, copyright counsel for CBS.

Latest Reported Buyers Of KROW, Oakland, Are Phil Lasky, Wesley Dumm

San Francisco, Nov. 22.
Latest reported bidders for the purchase of 1 R/W, Oakland, are Phil Lasky and Wesley L. Dumm, manager and owner, respectively, of KSFO, San Francisco. Operator Drey has always denied he ever talked possible deals.

Lasky and Dumm are reported to be paying \$150,000 for the station, whose licensee is the Educational Broadcasting Corp. H. P. Drey, president of the corporation and general manager of the station, owns about 40% of the stock. Balances are owed by some 300 stockholders, largely members of the Watch Tower Bible & Tract Society. KROW operates at 1,000 watts on 930 k.c.

Well Knowns Wanted

For Associated's Library

Associated Music Publishers, Inc., is going after vocalists with radio sets for its recorded library. First one of this classification that it has put under contract is Doris Rhodes. Deal was set through the C-7 artists' bureau.

LADIES NOT ON ETHER, AND LUCKY!

Washington, Nov. 22.
Scuffle between President Roosevelt, socialite-publisher 'Cissy' Patterson of the Washington Herald and Times, and 100-odd enraged clubwomen who have joined the Patterson 'save-the-cherry-trees' campaign, recorded for posterity by WJSV, Washington transmitter of CBS, which proudly accompanied the indignant females to a fruitless 'conference' at the White House.

High points in the demonstration were caught by WJSV's new mobile unit, which followed the procession to the White House and took down on platters the singing of Joyce Kilmer's 'Trees,' as the ladies attempted to serenade the President.

After virtually mobbing White House Secretary Marvin MacIntyre and Sen. William Gibbs McAdoo, the angry group departed to 'chain themselves' to cherry trees at the famous Tidal Basin—where numerous trees are slated for the axe when construction of the proposed Jefferson Memorial is started.

Hair-Pulling

Although WJSV failed to muscle in on the President's press conference—at which he accused the Patterson papers of 'flim-flamming the public'—and the subsequent tussles with workmen at the Memorial site, Columbia scored a scoop on the White House hair-pulling and has presented the transcription of the proceedings to chairwomen of the combined organizations for presentations at various mass meetings scheduled for this week.

Hitch-Hiking Dowagers

Among the most amusing sights offered by the WJSV-Save-the-Cherry-Trees parade was the spectacle of nine dowagers—who—unable to find their chauffeurs—piled aboard the WJSV truck to hitch-hike their way to the White House.

Observers at the Tidal Basin—where the women attempted to take away shovels and other implements which WPA workers were wielding against the trees—remarked that language used by the indignant workmen over the unexpected interruption of a day's work would have prevented any broadcast. FCC undoubtedly would have marked the station for the dog-house, it was said, if the Tidal Basin squabble had been aired generally.

Jack Benny may do some broadcasts from New York after first of the year.

Follow-Up Comment

ROBERT BENCHLEY
With Artie Shaw, Dick Todd
Comedy, Band, Songs
60 Mins.—Local
OLD GOLD
Sunday, 10 p. m.

WABC-CBS, New York
(Lewellen Mitchell)
Comedy end of this program, combined with the killer-diller swing of Artie Shaw and his instrumental crew, made for a so-so presentation. It also checks one up for A. L. Lynn, executive on the Old Gold account in the L & M agency, who held out for the inclusion of a production orchestra, for which other L & M opinion had argued.

Shaw's combination is not only hot, but it has the lowdown on the sort of swing music that can appeal both to the jitterbug and to the average listener. It's swell musicianhip from every angle. Shaw packs a rich, tantalizing flavor in that clarity of his, with the rest of the crew are effective equally in solo or unison. The band's assignment comprised but two numbers.

As the star of the show Robert Benchley ranged from teasingly good to fair. He was eager to please and his experience as a maker of Metro shorts stood him in good stead. Benchley's delivery and the interplay of his story reflected lots of rehearsal. So much so, apparently, that the illusion of spontaneity was hampered. But by and large it was top grade production.

Benchley's opening patter must have looked funny on script, but coming out of the loudspeaker it was so-so. In the succeeding bit which had to do with 'minding the neighbors' his story reflected lots of rehearsal. So much so, apparently, that the illusion of spontaneity was hampered. But by and large it was top grade production.

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Dick Todd, who has done yeoman service as a baritone sustainer on NBC, holds down the vocal assignment. He did very well by and with his romantic ditties. His is a style that usually ingratiates itself with the femme listeners.

Plug copy is both straight and of the break-in-the-script sort. It shielded away the fishing school and merely stressed the 'double mellow flavor' angle, emphasizing that the way to get more smoking pleasure is to use Old Golds. Ode.

JACK STECK
With Florence Bendon, Anthony Candelori Orch.
60 Mins.—Local
Participating
Daily, 7:45 p. m.

WFL, Philly
This participating show ducks the scads of dull and monotonous spot commercials that are locally typical. Jack Steck, who handles it, is a vet m. c. in vaudeville and amusements parks and slick at lib. So with no script and practically nothing but memos on the commercials, his sense of humor and natural ability keep proceedings on the spot.

Steck toys with and jokes about the commercials in a way that would be freighted with danger were anyone less experienced handling them. Through it all, however, Steck gets a better break on plugs than he possibly could if every word were down on script. To the mike each day Steck also brings whatever celeb happens to be in town and will.

With Steck is Florence Bendon, warbler of pop tunes, and Anthony Candelori's house band. There is also a daily contest as a mail-getter in which Steck sings a few words of a 'Mystery Tune' and listeners are promised prizes for guessing its name. Herb.

'NIGHT PATROL'
With Leo McCabe, Joan Miller, Joe Hayman, Howard Marlon Crawford
Saturday
BBC, London

Columbia Workshop is a fertile source of programs for BBC these days it seems, and this was the third borrowed by Leo McCabe and Joan Miller. The original script and casting with care, Corp. produced intelligent show, which vividly created the atmosphere of late night on an East Side dead end street. In fact, that's a motion picture, contrasting excellently the routine, action and personal ends of a New York cop's night patrol, a rhythm of footsteps making an impressive background.

Stewart Hawkins, original for Columbia, was an experiment to portray in sound a single half hour of the night patrol. A Patrolman pounding his beat has a private worry because his kiddie is sick and he is waiting word from his wife; he also has his job to do, taking note of all that happens on his usually quiet section.

For U. K. listeners, superficially familiar with American life through films, programs was a gripping piece of serious radio entertainment, and John Cheate's production was fluid and emphatic. Leo McCabe, playing Patrolman O'Hare, naturally made all the running, and came out very creditably indeed.

INFORMATION, PLEASE
With Chilton Faidman, Franklin P. Adams, Fred Goetz, Oscar Levant, John Kieran, Milton Cross
Quiz Program
30 Mins.
CANADA DRY
Tuesday, 8:30 p. m.
WIZ-NBC, New York
(J. M. Mathes)

Faidman and his troupe have made quiz a clubbed attention. And they'll continue to get it. Canada Dry is now (15) paying the bills, in return for which the maker of mixers allows himself a few brief plugs in Milton Cross's best-diction. Also a little kidding from the hirelings who saucily 'guessed' that they were now being sponsored.

Granted that informality and human embarrassment form the backbone of quiz programs, this one has something else by way of wallop. Faidman's troupe isn't mike-shy or witless. They are all extroverts, fresh, crafty and sometimes a little hard enough to keep imitation at a minimum. Listeners send in the queries, and if the gang cannot answer, a prize is awarded. This gag is okay.

Consumer products depending on big turnover generally cram their stanzas so full of plugging and contests that the listener gets slap-happy enough to buy something. Maybe Canada Dry is trying to accomplish the same end by reverse methods. Edga.

BOWEY MISSION
With Dr. Charles St. John
Religious-Inspirational
60 Mins.—Local
GOLDEN BAKING
WBN, New York
(Roth)

Stanza is a veteran of 10 years' standing. Until three years ago he was a traveling evangelist. He is now a pastor of the religion, inspirational talks, appeals for help, and semi-m. c. chores. Currently his successor, Dr. Charles St. John, handles the program. Maintaining relatively the same program plan. Golden Baking Bread is mildly mentioned, mainly via short excerpts from fan mail.

Undoubtedly the market for fare such as this includes chiefly the homebound, Sunday p. m. coterie, the sick, the hospitalized, and the aged. That's a big market. It's not in the high income groups, however, which is a natural for Golden Baking Bread among those groups leaning heavily on the 'staff of life.'

Dr. St. John has a voice and delivery reminding strongly of Gabriel Heatter. Lack of guinness is in his favor. In making plea for two-bit contributions to buy the down-and-outers a Thanksgiving dinner he appeared as appreciative of \$1 contribution as of \$25. Singing of hymns, a prayer or two, a little sermonizing, music, etc., are generally mixed up to round out the long life of the stanza is the best indication of its fitness for its market. Edga.

'RADIO QUIZ'
With Ellis Barrett, Bert Madden
30 Mins.—Local
STANDARD FURNITURE CO.
Tuesday, 8 p. m.

This new quiz game, newspaper-advertised as copyrighted by Harry S. Goodman of New York, will have little appeal for casual, part-time or impulsive players. It requires concentration in the home, with pencil and chart. Also a willingness to sit through eight or ten minutes of preliminary explanation. Later angle is a handicap in a medium where a quick start is usually considered all-important. Game is too complicated for brief elucidation. While snail-like delivery and necessity for close listening will reduce size of audience it may be a virtue that setup is such that participants can not escape sponsor's identity. In other words, dialing group may be smaller, but it is above average in attentiveness.

On first salvo, a 'Professor' and two announcers took a third of allotted time to read, repeat and repeat, how Quiz was played. Coupled with loose production, program seemed slow and hesitant. Second shot, with Announcer Ellis Barrett leading quiz and calling numbers, and Studio Manager Bert Madden assisting, travelled a bit faster. However, there were still several dead-stop spots. Jaco.

TOWN TALK
With Gretta Baker, Joe O'Brien
30 Mins.—Local
Sustaining
Friday—10 p. m.
WJCA, New York

Just another of the i. q. bees and none too good. Audience participation session with Gretta Baker and Joe O'Brien, latter active staff man, conducting. Gretta Baker is answer girl who O'Brien is to humorously handle the mike end. Variations in word opposites, word pronunciation twins of different spelling and straightening out mis-use of words are the chief features. Webster for curio distribution of variously graded dictionaries to winners. Pretty tepid stuff and not calculated to entice many listeners. Hurl.

'MAIN STREET—HARTFORD'
With Ed Barrett, Bob Proven
15 Mins.—Local
Sustaining
Daily, 1:30 p. m.
WBC, Hartford

The curbstoner is operating on a day-to-day sponsorship with the Monday spot sold. This to Howard Cleaners of Hartford. Differs from other review set-ups in that only opinions are asked for. Trick questions of all kinds are barred.

Ray Barrett and Bob Proven, who handle program and interview, have clear and distinct voices. Novel twist to the program is that it is recorded each day; it is a sustainer and rebroadcast at 11:15 p. m. the same day. Participants of program are thus able to hear themselves on the air and at the same time a different audience is created for the same program. Eck.

'BIG SWING'
With George Heid, Max Adkins
Swing Band, 3 Swiss Misses and
Boyle
ISALY DAIRY CO.
30 Mins.—Local
Monday, 1:30 p. m.
WCAE, Pittsburgh

First fling of dairy store chain at air advertising is a conventional set-up with one exception. That's the Have a Good Day Pittsburgh sports columnist, who's on for two three-minute spots during show's musical portions. He brings something new and different to radio, a sports summary with a humorous, satirical angle. Doesn't take the straight news slant or the statistical cut-and-dried, preferring to color his material with quips and gags and thereby making it vastly more entertaining.

Remainder of show is all right, but just that—tried and tested musical formula without novelty or flash. George Heid m.c.'s competently, also delivering a couple of baritone solos; 3 Swiss Misses harmonize sweetly, but minus any particular distinction.

Merchandising scheme is good. Each Monday program midway will designate one of Isaly's nabe stores for Hospitality Night mention. Anybody in selected establishment at that time gets a free basket of dairy goods. Come-on is for folks to listen in on Big Swing in any of the Isaly spots, radio being rigged up in all of them. Cohen.

'FILM MELODY MYSTERIES'
With James Miller, Edith Jolson, Lane Sisters, Don Raphael, Sy Beyer's Orchestra
Quiz, Music
30 Mins.—Local
SPEECHES
Sunday, 1:30 p. m.
WELL, New Haven

This set-up combines a Kay Kyster type of routine with stage presentation. It has practically all the angles: Listenable material, prize bait for both the house and outside audience, an extra attraction and plug with the show, and a pre-Christmas merchandising for the jeweler sponsor.

Half-hour staged during ordinarily quiet early matinee session at Copley (New-Haven) and involves the steady talent James Milne, m. c.; Edith Jolson and Lane Sisters, trio accompanied by Don Raphael, for song; and Sy Beyer's band.

Milne handles audience selection from audience to answer singly questions put by Milne. Orchestra plays a tune from a past film, and contestant is asked to give name of song, picture, book and female leads and player who delivered number on screen. Each part counts 20%, audience judges tabbing. Male and female winners receive highest scores given, duplicate for the jeweler.

Milne knits the show nicely and also handles the plugs for the sponsor and theatre. Latter seemed to come off better than the jeweler. Maybe it was the copy. Vocal talent adequate. Miss Jolson assayed 'Heart and Soul' and did best in swinging second chorus. Lane Sisters' 'Love Is On the River' effective, but would be better with only piano, rather than orchestral, accompaniment. Elem.

EDWARD R. MURROW
Talk, Drama
10 Mins.—Local
WOKO, Albany

Edward R. Murrow, Columbia's European director, made some interesting remarks about his comments during a 10-minute interview with Judge James J. Nolan over WOKO, Albany. Former was making a personal appearance there same night and was accompanied by a ushers headed by Judge Nolan. Unfortunately, the exchange, with its glimpses into transatlantic broadcast, was broken to an abrupt ending by the announcer. In order to clear the lines for one of those five-minute dramatizations in which a skinny gal takes Ironized Yeast tablets and magically blossoms with curves and sex appeal.

Murrow's remarks centered about his experiences during coverage of the Czechoslovakian crisis; the differences between American and European radio, and the contrasting picture of conditions here and abroad. Murrow refused to pass judgment on the Munich agreement. Stated he would return to England in early December. Jaco.

Stan Shaw flivvered badly recently in virtually the only thing he has to do, certainly the most important thing, on his 'Milkman's Matinee' program over WNEW, New York. Since the show is recorded participating, Shaw's only job is to keep the announcements (particulars of the commercials) potent and brisk. That is precisely where he stumbled. Apparently he hadn't taken the trouble to prepare his broadcast, for he muffed almost every commercial on the first hour or so of the session.

In the case of Barney's Clothes, he read off the blurb about the store being open 'today and tomorrow,' they paused and realized 'tomorrow' would be Sunday and finally made a correction. That was the worst boner, but the whole thing apparently indicated Shaw hadn't taken the trouble to study his copy in advance. Which is too informal, even for such an informal program as 'Milkman.'

'What's My Name' is one of the more intelligent quiz games and better radio, and better audiences but somehow on Friday night (11), over WOR, New York, there were a couple of malapropisms that retarded the program. But Edith Jolson and Arlene Francis are the Philip Morris questioners and the two were inclined to treat their guests with a deportment akin to levity. And the winners were duly congratulated.

Group on the Friday program was an intelligent one. And yet Hulick and Miss Francis were prone to indulge in a little comic-by-play that seemed to undercut the program's motives were to lighten the show, but they said the wrong things several times. Also, their personal questions of the contestants took too much time.

With Hulick, it's mostly a case of Budd trying to rid himself of the habits acquired when he was half of the team of Stooging and Budd. And that commercial! Whew!

Al Jolson has weathered the ups and downs of radio and its sponsors for better than five years. That means he came into radio during the early days when radio was making a wholesale raid on what was left of vaude, and on pix, legit and night clubs. At that time (production being what it is), vaude was considered bad form to be loud. In fact, practically all comedians had iron lungs from yelling at live audiences in theatres, etc., without the aid of loudspeaker systems. Jolson had iron lungs to begin with.

Possibly the fact that Jolson has successfully weathered all subsequent changes lies in his changing with rationality. He has continued to continue to show him in a subtler light, toned down but not pussifying.

Joe Laurie, Jr., is his latest writer, and Laurie should chime in very well with the situation. Laurie, in fact, the results are to be an ingratiating Jolson, not delivering Broadway gags or night club verbal jive, Laurie can help.

First sample of Laurie's writing put Jolson in a good light. Better work, however, can be rendered with the guests. They come on, it appears, for the sole purpose of jabbering with each other and paying lip to so-so. A better method would apparently be to let them do their stuff legitimately—in short, let them be guest artists and not guest comedians. Jolson can handle himself singly by Parkyakarkus and his puns. Too much idle prattle now detracts from both Jolson and the guests themselves, weaving a web of verbiage that burns up time without profit.

DAILY HONOR ROLL
Talk, Drama
5 Mins.
BARNEY'S CLOTHES
M-F, 11:15 p. m.

WOR, Newark
For Barney's Clothes this is big time, having graduated up from the indie outlets in the metropolitan area. While the writing, acting and production just about manage to make the grade, the program is not so okay. Spot is a natural. It follows the night's final time signal, news period and weather forecast. Where the favorable combination squanders time is in giving too much to the trumpeting and white banners that go with human heroics into a come-on for harshly phrased patter about winter bargains \$17.50 tweed suits and 10 easy payments for a clash in moods leaves anything but a soothing effect.

Object of the daily award for some noble deed of recent vintage is picked by a committee of two whose names and connections get a fast going-over from the announcer. On one program caught the award went to a society (not named, for his display of courage in giving to charity the police after he had married and decided to reform. Dorothy Thompson got the nomination the following day. Heretofore, it has been a casting a plea to 'defend Jewry' for underwrite the defense of Herschel Grynzpan, the young Polish Jew, whose killing of a minor Nazi official was followed by widespread attacks upon German Jewry. Ode.

ducing real results. While the practicing method works well enough for the moment, it is remembered that Crosby has 30 more minutes to his advantage.

The plugging on the show is the kind that leaves nothing to the imagination. It is only given the salesmen scribbles for the explicit sentences and clear phraseology. In offering a new come-on (a four leaf clover, no less), the instructions for securing the inducement even had a special ruling for Canada. This is an angle generally overlooked in the sloppy commercials dished out on most stanzas. While the Ruthrauf & Ryan boys can start their swing from the floor, as well as most agency medicine men, they at least make the most of their material, in this instance. Speech.

Speech of Louis B. Mayer, Metro v.p. in charge of production, on the last edition of the Maxwell House 'Good News' show (17) demonstrated one type of situation in which corporate radio and radio is not advantageous to the advertiser. It was put on the air waves to make a public statement to the effect that the film 'Boys Town' (M-G) had the honor of being the first to contribute to Father Flanagan's Red Cross Boys Town (a Catholic rehabilitation project in Nebraska, on which the film was founded). Because the film had depleted the project's healthy financial state, patrons apparently figured there was no use keeping up contributions, and the drop in donations occurred.

At the time of the broadcast, the project was in a desperate financial straits. Father Flanagan thereafter appeared as guest, his talk chiming in nicely with Mayer. Windup had Mayer back again for a short time, to the effect that M-G was giving Father Flanagan a new building for his project.

At the whole thing was handled simply yet telling—look it out of the class of pure public relations sleight-of-hand and put it on a par with the solicitations for the Red Cross made frequently on other commercials.

Helen Menken made plenty emotional hay of the role handed her on the CBS last Thursday night (17). The sketch, described as an original by Doris Gilbert, allowed for a wide range of dramatic hoke, and Miss Menken's performance was a real own show over the same network for Bayer Aspirin, was right there at every opportunity for a fast plunge over into teardrop territory.

Menken, in a skirt setting her, a schoolmar with a mystery background, at every turn, Miss Menken fought back at them with cold fury, abject humility, hard defiance and practically all the other implements contained in an emotional actress' arsenal. The big speech was oximorized by the usual hysterical rant and rave, outbursts of triumph again, and the general run of livingroom folk must have got quite a kick out of it.

Orson Welles' influence trickled down to Richard Brooks' news commentator program over WNEW, New York, Monday (21). With the Nazi persecution of the Jews occupying the main place, Brooks took the 10 minutes of his 15-minute session to read a paraphrase of Marc Antony's 'We come to bury Caesar' speech from Shakespeare's 'Julius Caesar'—a sulkily titled name for Brutus throughout.

Commercials for Michael's department store, Newark, plugged a special bargain, including a man's suit, shirt, necktie, underwear, shoes and socks, all for \$22.50.

George Shackley's Moonbeams (WABC, 9:30 p. m., Nov. 16), though brief, is one of the more listenable singing instrumental air seances. Consistently adheres to the wine drinker's (now has vintage sound) formula of a sweet harmony of mixed choir and strictly string instrumentalizing. Crowd a lot into quarter hour, maybe too much, though quality does not seem to suffer as with other Broadway pop music shows. Softly backgrounds reading, to-bedding and parlor sessions with commercials are a welcome relief, but still have the popular fault of not knowing where to stop.

Jean Crawford and Margaret Sullivan shared a mike on last Thursday's (17) installment of the Maxwell House-Good News show (NBC) and the listeners got a fancy exhibition of the two women's ability to outdo the other in emotional understatement. Excerpts were from Metro's forthcoming production, 'The Sign of the Cross' by Henry Mayer. Robert Young did the male leads, and the strung-together snatches of dialog sufficed to stimulate interest in looking forward to the film version. Ode.

MEXICAN VETO PROBLEM

Australian Theatres Drop Unfair Suit Against Government Radio

Melbourne, Nov. 3. Williamson-Tait has decided to drop High Court action against the Australian Broadcasting Commission to legally decide whether latter was entitled to charge admittance to concerts. Writ was taken out last year under a claim that the A.B.C. was acting against the Broadcasting Act of 1932 in promotion of public concerts. It was further claimed that the A.B.C. had no power to perform such acts under the Commonwealth Constitution. Attorneys for both sides met recently and filed in the High Court consent to action with withdrawal providing each party paid their own costs.

For some considerable time there has been much bitterness between Williamson-Tait and the A.B.C. on the latter's concert activities. It was contended by W.T. that the A.B.C. had no right to import overseas artists in opposition to legitimate concert sponsors, especially as the overhead came from fees paid by home listeners to the government. W.T. admitted that the air unit could play their imported artists over the air lines, but disagreed entirely on concert appearances with a high charge made to the public. There were also one or two pie managements who were opposed to the methods adopted by the A.B.C., and it has been hinted that they were willing to back W.T. in the court fight.

However, a new managerial line-up in the ranks of W.T. including a hook with Macquarie Broadcasters, a powerful commercial air unit, probably reasons for stoppage decision on the part of W.T. who, it is understood, have some plans of their own for the future in connection with imported artists and radio.

Canadian Publishers See Radio Hobgoblins Again; Analyze U.S.A.

Montreal, Nov. 22. Distribution by the Newsprint Association of Canada, representing the \$300,000,000 pulp and paper industry, of the findings of a survey it conducted of revenue trends among American advertising medium has aroused concern in the ranks of Canadian newspaper publishers. In some of the latter quarters it is estimated that during the past year Dominion radio has diverted to itself over \$5,000,000 which they think would otherwise have gone to Canadian newspaper publishers. In some of the latter quarters it is estimated that during the past year Dominion radio has diverted to itself over \$5,000,000, which they think would otherwise have gone to Canadian dailies. NAC's findings, plus this estimated loss, is expected to encourage retaliatory measures by publishers.

To the Newsprint Association's findings is appended a warning that newspapers are lagging behind radio in the race for revenue. Also a statement that while magazines suffered most from radio competition in the United States during the depression from 1929 to 1933, newspapers have in the succeeding years been taking a similar rap.

Association implies that increased advertising rates in newspapers have not helped the situation. It is shown that where the cost of evening newspaper lineage has increased about 5% since 1929, cost of reaching radio audiences has been reduced. Using the NBC rates, which have jumped from \$4,750 per hour in 1927 to \$20,220 per hour in 1938, it is pointed out that during this period the estimated number of listeners has increased from about four million to over 25 million.

On this basis it is estimated that the rate per thousand listeners has dropped from \$1.08 in 1929 to 74 cents in 1937 and 79 cents in 1938. It is estimated that radio's milling rate has been reduced by 32% between 1929 and 1937, and is currently 27% lower than in 1929.

Poland in Shortwave

Washington, Nov. 22. Debut of Poland into the South American short-wave picture announced last week in a dispatch from the office of the American Commercial Attache at Warsaw to the U. S. Department of Commerce.

Four new Polish D-X's—two of them directed to S. A. and two non-directional—have been pushed into the foreground and two older transmitters will train their antennas on North America, according to the report. In addition a new long wave station is being constructed at Brzezine, near Katowice, to replace present Katowice station by Brynowic with power of 50 kw instead of 12 kw. Still another station is being constructed at Luck, with opening scheduled for sometime after Jan. 1.

Number of registered receiving sets in Poland, on October 1, listed at 892,964—with 552,296 tube sets and the remainder crystal sets.

IMPERIAL WAXES USE YANKEE ACTS

Montreal, Nov. 22. New series of transcriptions for Imperial Tobacco Company of Canada, produced at the NBC studios in New York, include platters with the Rhythm Rascals, Jean Ellington, Green Bros. and Brick Holden, Pat Ryan with the Milt Herth Trio.

New discs will be used to continue the 'Light Up and Listen Club' programs going over station CFCF locally, and a list of stations across the country.

Imperial Tobacco is not using the CBC network for this series. Vic George, All-Canada Radio Facilitator, picked lineup of American talent for the productions while in New York.

Other American performers used in the 'Light Up and Listen' series are Jesters and Peg La Centra, the Mastersingers, Jack and Loretta Clemens, Lamdt Trio and the Kidoodlers.

WHN's Rumba Kilocycles

WHN, New York, is having trouble with CMQ, Havana, which has crowded the Loew station within its eight millivolt contour and is impeding the station's reception in Long Island. Herb Petetty, WHN manager, has been huddling in Washington to get special authority to offset the interference.

Meanwhile also taking it up in Havana to get that station to beam away from New York.

Guzman's New Setup

In the future, Radio El Mundo (LKI) Buenos Aires, will make its new York headquarters in the offices of Editorial Haynes, advertising rep of newspaper chain in South America.

Melcher Guzman is in charge and will also rep station HJ4-ABP and HJ4-ABQ, later shortwave, in Republic of Colombia, and not part of El Mundo White and Blue loops.

In Canada

Stewart Neill, manager station CFNB, Fredericton, N. B., ogling Montreal for a few days.

EAST-DUMKES THE GUMSHOERS

East and Dumke are this week recording a series of nine five-minute transcriptions for Enna Jetick shoes. Client plans extensive spot campaign, using radio names.

Marschalk & Pratt is agency.

BORDER STATIONS INFLUENCE SEEN

Washington Disturbed by Mexican Senate Repudiation of Informal Promise at Havana—Political Motivations Still Obscure

POKER?

Washington, Nov. 22. Diplomatic pressure to resuscitate the North American radio treaty, which would necessitate widespread frequency redistribution, is being exerted to counteract recent refusal of the Mexican Senate to ratify the pact intended to end international conflicts and give signatory countries definite parts of the spectrum. Disappointment at the attitude of the Mexican legislators was apparent in Federal quarters last week when report of the impasse reached the State Department. Details were unknown, however, and in some quarters there was continued hope that the Mexicans will keep their informal pledges to go along with the U. S., Cuba and Canada.

Means of driving home to Mexico the importance of establishing permanent order in the ether were under consideration this week. Customary diplomatic secrecy surrounded the discussions, although it was known that conferences are being held by high officials. State Department and FCC figures huddled last week and plan further talks, while the American Embassy at Mexico City has been contacted for further details which had not arrived in Washington this week.

Motives Obscure

Reasons for Mexican balk were not clearly understood, although there were suspicions that the Senate's stand was prompted by political considerations. Muddled internal relations between the two countries plus the influence of the high-powered border stations—which would be required under the pact to cease invading U. S. frequencies and interfering with American transmitters—believed important factors. Officials here unsatisfied with formal alibi from Mexico City that the pact was turned down because it failed to give compensatory benefits in return for vital concessions.

Exactly what methods will be employed in the attempt to induce Mexico to live up to the implied pledge given at Havana last winter remained uncertain this week. Representations through the conventional diplomatic channels were believed already under way, while there was talk of a conference to see if things cannot be straightened out. Some observers thought Commissioner T. A. M. Craven, who engineered the treaty, might be dispatched to the Mexican capital to urge government leaders there to

Fascist Propaganda from Cuba Called Unlikely; Batista Liberal

London Calling

Val Gielgud, BBC drama director, asked CBS to send him a script of the panic play, 'War of the Worlds' but there is no chance of it being aired this side.

Radio singers Anne Zeigler and Webster Booth married in London, Nov. 6.

James Briddle, radio play written specially for the occasion, will be on opening of Glasgow's new Broadcasting House, Nov. 18, to serve the Scottish territory.

Will Fyffe and Glasgow Orpheus Choir, under Sir Hugh Robertson, will be in the bill, which will be sent from the largest studio in the building, which is bigger than any at London headquarters.

Two Noel Coward playlets from 'Tonight at 8:30'—'Family Album' and 'Red Peppers' aired by BBC.

Arthur Carron postponed his departure for New York to sing 'Canio in 'T Pagliacci', second of BBC's studio operas; Nedda will be played by Australian soprano Joan Hammond, who has only broadcast here once.

John McCormack will do his first U. K. studio broadcast ever Dec. 6, when he will sing in 'Scrapbook' series, recalling his debut at a Dublin musical festival.

persuade recalcitrant legislators. This seemed improbable, however, since Craven is unlikely to consent to leave the FCC, where he has been in the heat of fighting over policies and personal matters, and to assume the inevitable expense involved in such a mission. It was recalled that last spring the former Commission engineer successfully avoided being sent to Cairo and intimates believed only a Presidential command would cause him to agree to the idea of personally appealing to the Mexicans with whom he worked in Cuba. Nevertheless, the State Department was beseeching him to serve as trouble shooter.

Refusal of the Mexican Senate confirmed fears that had been felt in many places in this country, despite the assurances given at Havana that the approval would be forthcoming. Other observers were convinced, however, that the secret turn-down was merely a maneuver to work out a better trade with the U. S. Possibly the Mexicans, who a week ago finally agreed to arbitrate claims for confiscation of American-owned farm lands, merely want to strengthen their position in other international controversies and that the radio treaty will be pokered against some other proposition.

Havana, Nov. 19. Cuba's radio propaganda situation may take a turn for the acute. A report emanating from the United States is that pro-Fascists are on the verge of using local outlet to direct a barrage of propaganda at the neighboring nation. While a similar rumor popped up on the island when a couple Cuban wavelengths changed hands recently there has been nothing specific to denote any move in that direction.

What may have stirred the report in the U. S. A. was the ideological leanings of the group behind the purchase of CMCF-COCH. One of those in on the deal is Dr. Pepin Rivero, editor of Diario de la Marina, who exiled himself to New York some time ago following what is purported to have been a disagreement with Col. Fulgencio Batista. Rivero has been decorated by both the Nazis and Franco's Spanish government.

Involved

Rivero's associate on the buy is Oscar Zavala, editor of the Avance, and reputed to have strong Fascist inclinations. Besides Diario de la Marina and Avance, the pair between them own the Alerta, a penny newspaper, and Informacion, with the last curiously rated as a Leftist sheet and using all the cable news favoring the Left governments which the other dailies in this group pass up.

As things now stand the propaganda on Cuban stations is strongly liberal or leftist. Most stations devote daily spots to talks by members of the Agrarian, Republic and Communist parties. Not a single German or Italian program is currently on any island station. Last Italian hour was cleared over CMCF until about a year ago when the director of the stanza yielded to threatening letters and quit.

Dr. Oscar Gutierrez, one of the owners of CMCF, is currently in New York buying new equipment for his station.

REJECT 'SLUR' ON CANADIAN TALENT

Montreal, Nov. 22. Radio producers are burning because of allegations contained in the brief filed at Ottawa by the Canadian Association of Broadcasters recently in which Canadian radio talent and production were condemned as too weak to meet station requirements. Plea was made by the C.A.B. in hopes that the Customs Department would not raise duties on American transcriptions.

Local producers claim that there are enough Canadian performers to make up for any loss of American transcriptions through new high tariff regulations.

Reported here that both French-language and English radio production men plan to build tailor-made transcription shows with Canadian entertainers and operate on a more extensive scale than ever before. Figuring that new tariffs on U. S. discs will keep out high priced transcriptions local producers feel that Canadian transcription shows can be produced which would compare favorably with American platters as to quality while lower in price.

Producers claim that musicians, who have been bitterly opposed to use of transcriptions on Canadian stations, should favor Canadian disc production because it would open a new field of employment for Canadian musicians. Producers fondly hope that musicians may even grant concessions for Canadian transcription work which they have withheld because of the importations.

Salesmanship Curbs Endanger CBC's Command of Standard Brands Acct.

Montreal, Nov. 22.

J. Walter Thompson Agency may pull Standard Brands programs off the Canadian Broadcasting Corp. network as a result of dissatisfaction with Government censorship of commercials. Because of difficulties encountered with Fleischmann's (Dr. Stidger), the Thompson agency has already eliminated the Canadian announcement, cutting in with the NBC commercial over which the Canadian Government has no jurisdiction.

Should hamstringing of Standards Brands accounts continue it is reliably reported that the Thompson Agency has adopted the attitude that it would be ill-advised to renew with

the CBC network when current contract deals expire.

Recent surveys conducted showed that, in one instance, a 100-watt privately-owned station had a far greater listener audience than the huge 50,000-watt Canadian Broadcasting Corp. transmitter.

In Canadian commercials, which the Canadian Broadcasting Corp. must get approved by the Department of Pensions and Health, nothing must be said which will induce anyone to buy the product. In regard to beer copy it can't be said that 'it's mellow' that 'it's easy on you' or that 'you should try a bottle.' Among the other don'ts it can't be said that a product is 'pure' or 'safe.'

THIRD of a ANNIVERSARY

Commemorating 33 Years of Service

- A cordial invitation is extended to all persons engaged in show business to participate in this outstanding issue, to be published in December.

The Trade Paper Of The
Films . Radio . Legit . Vaudeville

VARIETY CENTURY

RY ISSUE

Once to Show Business

- An opportunity to review the glorious past and glimpse into the brilliant future. Advertising rates unchanged. Send in your reservations now for preferred position.

International Show World.

. Music . Literati . Nite Clubs

Actors Union Votes End Of Co-op Deal With Montreal A.F.M.; Joe Weber's Doubts Confirmed

Montreal, Nov. 22. Movement for a closed shop in radio broadcasting which started here last May and seemed likely to spread across Canada through affiliation of radio performers with musicians unions, has collapsed with the suspension of the co-operative agreement between the American Federation of Radio Artists and the Musicians Federation of Montreal (local 406 of the A.F. of M.) here last week.

Strangely enough the move to terminate the agreement came from the local AFRA where rumblings of discontent have been heard for the past two months.

Through the tieup with the AFRA the musicians, it is reported, have been standing pat since September, refusing to work on any program where non-union artists were used. As a result the Montreal Musicians Federation was obliged to turn down a considerable amount of work because of the agreement with the AFRA.

Similarly, it is reported, artists who were members of the AFRA found themselves unable to appear on programs where non-union musicians were working. Musicians, however, were the greater losers on the agreement.

One result of the tieup between the musicians and the performers was that the higher fees demanded for vocalists brought about a decreased demand for singers. More French language comics were used, and the comedians, it is charged, worked on programs where non-union musicians were employed.

Radio performers have been squawking loudly that the tieup with the musicians deprived them of many chances to accept engagements. The musicians, while similarly affected, were determined to establish a closed shop even at the cost of temporary losses.

While the closed shop has been illegal in the Province of Quebec since the adoption of Bills 20 and 21 at the Provincial Legislature, the combined forces of the Musicians and the Artists seemed likely to establish a closed shop in fact, if not in theory.

Joe Weber, president of the A. F. of M., was opposed to the working

agreement between the Montreal Federation of Musicians and the local AFRA when he was first approached. While Weber gave local 406 permission to make any arrangements which might be necessary to meet local conditions, he was not enthusiastic about collaboration between musicians and artists, evidently foreseeing current difficulties which were not then apparent to local union officials.

Local AFRA is believed to have a considerable membership but practically all are French language performers. English radio performers have steered clear of the union so far, some charging that they could not obtain representation on the board of directors for the English-speaking element when a drive for membership was made some time ago among the English artists.

Agreement between the AFRA and the Montreal Federation of Musicians was, in effect, that members of both unions would refuse to work on any program where non-union musicians or non-union artists were employed. At the meeting of the AFRA last week the vote in favor of suspending this agreement was almost unanimous.

Without support of the Musicians Federation indications are that the AFRA will lose much of the power which such a tieup gave local artists. Musicians have been instrumental in forcing use of AFRA members in many cases. Despite this MFM backing, members of the AFRA, especially comics, had been appearing on programs with non-union musicians. While the agreement has been suspended it has not yet been terminated, leaving the way open to reconciliation.

RUDOLF SCHRAMM RESIGNS

Washington, Nov. 22. Rudolf Schramm, director of NBC's orchestra in Washington for the past year, resigned Friday (18). Increased work which has accumulated in Schramm's position as music director for the U. S. Office of Education's radio division makes it impossible for him to devote adequate time to his NBC duties.

No successor has been named yet by Ken Berkeley.

4 ADDED TO WLW-WSAI

Brown County Revelers Saram After Four Years in Cinoy

Cincinnati, Nov. 22. Paul Allison, announcer, formerly of WNOX, Knoxville, Tenn., joined the WLW-WSAI staff last week, as did Wallace Mosier, lately with KFRU, the University of Missouri station at Columbia, Mo., who has been assigned to special farm events. A returner to the Crosley organization is Milton Rosen, music arranger, after an absence of two years. Another rejoinder is Kenny Carlson, who was with the Hugh Cross instrumental unit and has been spotted on the Boone County Jamboree show.

Brown County Revelers, a six-man hillbilly combo, took departure after a stay of more than four years.

KMOX TAKES DOUBLE SERVICE FOR NEWS

St. Louis, Nov. 22. KMOX has completed arrangements for complete news coverage. In addition to full UP reports, Merle Jones has added Transradio service and has contracted for local news coverage by both Transradio and UP. In the case of Transradio, a local representative will have a desk in the enlarged KMOX news dept. while UP will place a man in Police Headquarters. These facilities will feed news to the five sponsored strips now on the station and three new sustaining periods set up for Sundays.

News dept. has moved into its own quarters and will be under the direction of Harry W. Flannery and Don Owenby. A copy chute connects the news room with the announcers' quarters for a rapid handling of important news bulletins.

Rubinoff Sails

Dave Rubinoff sails for Havana next week for extended rest. After several weeks in Cuba, he returns to Florida for the balance of winter season.

Takes on radio engagements in spring.

New Britain Invades Hartford

Hartford, Nov. 22. December 15 has been set as the date for the opening of Hartford studios of WNBC, New Britain, by station manager Richard Davis.

Majority of programs will still emanate from the New Britain studios.

McNinch Speech Disquieting

Washington, Nov. 22. Apprehension that outright Federal control over network operations is in prospect was inflamed this week when broadcasters analyzed remarks Saturday (19) of Chairman Frank R. McNinch at the convention of station owners and managers from Middle Atlantic States. While promising continuance of individual enterprise and reaffirming his opposition to government censorship, the FCC finger-pointing sternly intimated that unused clause in the 1934 Communications Act may soon become a very real headache for the networks.

General tenor of the commissar head's remarks was upsetting, although webs have been inclined to scoff at the prospect of any rules which would limit chains' freedom to conduct business according to their own lights. Schoolmasterly manner, as was obvious from listening to the talk as relayed by CBS, brought frowns to faces of industry listeners.

The uneasiness was intensified by McNinch's outright rebuke for NBC officials who headed the parade of witnesses at the commissar probe. His caustic comment about elaborately printed statements—which frequently contain information that "seems quite irrelevant"—did not soothe the network people. Further observation that the commissar "will decide very shortly just what to exclude" heightened discomfort.

Skeptical observers felt the most pointed statements should be discounted on the theory they were intended more for public consumption than as a keynote for the industry.

Brief discussion of programs was particularly intriguing. Contrasted with the plaudits the week before, McNinch's comments about children's programs seemed to put him on the same side of the fence with Commissioner George Henry Payne, who has been failing hair-raisers for much longer time than he has been differing with the FCC chairman. In urging station managers to give "careful consideration" to all squawks about programs, the head man seemed to be waving a paddle.

AFRA Board Given Strike-Calling Right; Next Convention in Summer

St. Louis, Nov. 22. Eddie Cantor was reelected to head the American Federation of Radio Artists at the first annual convention held here last week. Other execs elected were Lawrence Tibbett, Norman Field, Jascha Heifetz and James Wallington, as v.p.'s; Lucille Wall, recording secretary, and George Heller, treasurer. Chicago won the 1939 convention and the constitution was altered to enable the annual confab to be held in August instead of November.

Winter date prevented the attendance of the big names in the organizations, all of whom were engaged in radio engagements during the convention, and although Cantor made every possible effort to come here, his Monday night broadcast prevented. August date will provide an opportunity for the majority of members to attend and it will come during a lull in radio engagements as most of the artists will be on their summer vacations.

Report of George Heller, treasurer, was not made public, being read at an executive session. Schedule for the coming year includes conclusion of negotiations with Cincinnati, Detroit, Denver and St. Louis; negotiations with other stations, independent and Mutual, in New York, Chicago, Los Angeles and San Francisco; conclusions of negotiations for classes of members in New York, Chicago, Los Angeles and San Francisco not covered by existing contracts; negotiations for electrical transcriptions. Move for group insurance was endorsed and referred to the National Board for investigation.

Can Call Strikes

Resolutions adopted included that to favoring closer relations with

AFM; empowering the National Board to call strikes; protesting to President Roosevelt against the Nazi persecution of Jews; consolidation of AFRA with SAC, AGMA and Equity; and also favoring the Wagner act. A recommendation of Alan Corelli, Theatre Authority's exec sec, that a nominal admittance fee be charged to all studio radio broadcasts to form the nucleus for a fund for the care of indigent theatrical performers and patterned after the Seamen's Fund was favorably acted on.

Delegates also elected the following Nominating Committee for 1939 after a speed-up session that ended Tuesday (22), occasioned by the fact that Cincinnati delegates could no longer remain here: Ted Maxwell, San Francisco; Marvin E. Mueller, St. Louis; Jack Zoller, Cincinnati; J. P. Holmes, Chicago; Betty Garde, New York; Frank Nelson, Los Angeles, and three to be appointed by the National Board. Maurice Cliffer, gabber, KMOX, St. Louis, was chosen as chairman of the Transcription Committee of St. Louis.

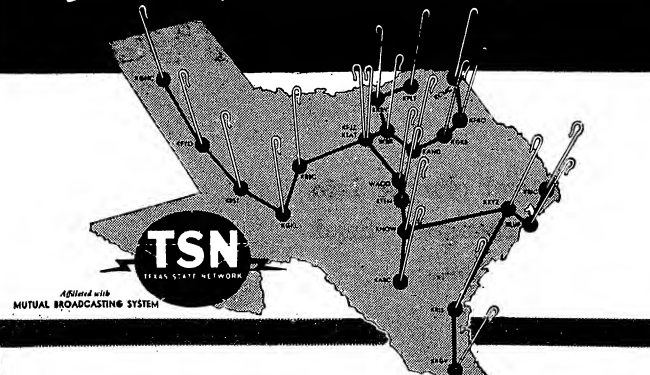
KOMO Staff Report

Oklahoma City, Nov. 22. New faces at KOMA are Jimmy Battenberg, replacing Roland Chastain at clarinet in KOMA staff orchestra and Margo Elster, formerly with Falk broadcast agency of Detroit, new continuity writer. Bob Duren has been named chief announcer.

Bill Salathe, new public relations man, has installed dark room for developing KOMA snapshots in the studios.

Katheline Jarrell, KOMA saleswoman, in hospital.

23 MERCHANDISING STAFFS TO BOLSTER YOUR RADIO MESSAGE!



HERE'S MERCHANDISING SUPPORT ONLY TSN CAN PROVIDE!

Advertisers on the Texas State Network get more than the matchless coverage of TSN's 23 primary listening areas, which blanket 22 of the most important markets in rich and responsive Texas. Each station of the Texas State Network maintains a complete merchandising staff to cooperate

with sponsors in the field work that helps advertising succeed. The many services offered by these 23 TSN merchandising staffs are available to TSN advertisers. In this way an advertiser can secure expert help in merchandising his program in almost every important market in the state.

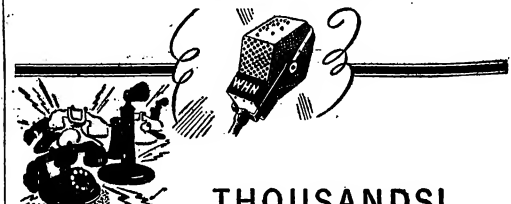
TEXAS STATE NETWORK, INCORPORATED

ELLIOTT ROOSEVELT, President

FORT WORTH, TEXAS

NEAL BARRETT, Executive Vice-President

REPRESENTED BY INTERNATIONAL RADIO SALES, INC., NEW YORK, CHICAGO, DETROIT AND LOS ANGELES



THOUSANDS!

Started more than a thousand days ago, the WHN ORIGINAL AMATEUR HOUR still gets thousands of telephone calls, thousands of listeners every Friday night. Almost a thousand facts, figures, statistics to show you why it will sell your product! Write WHN now.



CBS, NBC See Much Sunshine

Networks report that all accounts are picking up their renewals on both time and current shows. For many of the advertisers that bowed in this fall option time began to loom up last week. Business outlook around NBC and Columbia is strongly confident. CBS figures that with Ethyl, Coca-Cola and a couple others on the verge it will be able to start off the New York in boom fashion. At NBC the belief is that once the ice is broken on the couple with a couple of extensive commercial lineups the going on the blue (WJZ) link will be surprisingly sturdy.

Among the renewals put through this past weekend were Philip Morris' 'What's My Name?' (Mutual) and Vick Chemical's 'Seth Parker' (NBC). It makes the fourth 13-weeks for the cig company's quiz.

FCC Ousters Called 'Pretty Strong Case'

Washington, Nov. 22. Investigation into the legality of discharges handed three FCC employees two weeks ago was launched last week by the Civil Service Commission upon receipt of a report denying any law infringement involved in ash-canning the examining department and press section. Study ordered after FCC chairman Frank E. McNinch transmitted official verification of the ousters of Chief Examiner Davis G. Arnold, Assistant Chief Examiner Melvin H. Dalberg, and Information Expert G. Franklin Wisner.

Formal request that the Civil Service Commission approve the 'separations' of the subordinates from government posts prompted the Commission to instruct its Classification Division to obtain all facts surrounding sudden adoption of the drastic reorganization order Wednesday (9). Coincidentally, the McNinch report was received while a letter from Civil Service, asking for data to supplement press accounts, was in the mails.

Reasons at last were given for firing the three veteran workers, two of whom have been with the government over 10 years each. Commission said Arnold and Wisner were dropped because 'when their posts were abolished there were no other existing positions in the same grade for similar work.' Dalberg got the gate because he was outranked by two others in his grade.

In commenting upon the action, which stirred up strong resentment among defenders of the merit system, McNinch said: 'The Commission was advised fully beforehand by its General Counsel and its Personnel Officer that the action taken and the procedure followed were entirely within the Civil Service law and rules. I believe there can be no question about that. The reorganization has been carried out by the Commission with the fullest regard for the merit system and the principles of Civil Service.'

Although approval will not be forthcoming until the inquiry is over, President Harry B. Mitchell of the Civil Service Commission indicated he is satisfied from second-hand information the FCC was cautious not to violate the letter of the statute. 'Termed McNinch's explanation a pretty strong case.'

Russ Clancy's WHN Job

Russ Clancy, chief announcer and day boss, has replaced Sidney Adler as night manager of station WHN, N. Y. Gerson Alterman, formerly assistant to Adler, has also resigned, being replaced by Gene De Pue, who comes over from NBC.

Raymond Katz, assistant to Fred Raphael, program director, will take over Clancy's spot in charge of day operations. Ted Schneider takes over Katz's duties.

IN BALTIMORE ITS WFBZ

NATIONAL REPRESENTATIVES EDWARD PETRY & CO.

ON THE NBC RED NETWORK

Sarnoff Gets Award

Philadelphia, Nov. 22.

David Sarnoff, prez of RCA and chairman of the board of NBC, will be given the annual Poor Richard Club award on Jan. 17 for outstanding service to advertising. Merle H. Aylesworth, former NBC prez and now publisher of the World-Telegram, was recipient of the award several years ago.

Will Hays got it last year.

PROGRAMS, ARTISTS EXCLUSIVES PROBED AS FCC HEARINGS MAKE SLOW GETAWAY

John Royal Offers to Play Wax of 'Mexican Love Song,' Whose Lyrics (in Spanish) Are Allegedly Obscene—McNinch Critical

Washington, Nov. 22.

Program policies and talent tie-ups constituted the chief ground of discussion during latter half of the first week of FCC study of new-work operations and possible radio monopolies. Most testimony was direct evidence by NBC officials.

Principal interest of the Artists Bureau was taken up Tuesday (15) when Daniel S. Tutthill, director, underwent cross-quizzing by Commission General Counsel, William J. Dempsey, while description of the efforts

to which the web goes in order to satisfy listeners was given in long speech Thursday (17) by v. p. John F. Royal. Entire time Wednesday consumed in identifying and getting into evidence bundle of charts and statistical evidence for future use in the proceeding, with Hugh M. Beville, Jr., chief web statistician, forced to give lengthy explanations exactly what the graphs and compilations showed, as well as the source and reliability of data.

Few unknown facts of any significance brought out during the three days, but the Commission did not get really warmed up to the job of analyzing the direct testimony by the network spiliers. Coming week may be more productive when Royal gets quizzed, although the Commission will sit only two days on account of the Thanksgiving interruption to government business.

Tutthill's Statistics

Denial that NBC got talent cheaper than competitors through the artist service was registered by Tutthill, who confessed the web has performers under management tied up through unused exclusive rights clause. Seeking to dispel any suspicion that the booking offspring gives the parent a monopoly, he related that in a single week (Nov. 12) out of 225 performers before the mike on sustaining programs, 80 were managed by A. B. and 77 had been optioned. Noted that in 1937 \$1,725,-

(Continued on page 34)

Today There Are 4R's in Education ... Readin' ... 'Ritin' 'Rithmetic and Radio

EDUCATIONAL broadcasts have never been a novelty at the Nation's Station ... in fact, from the very first day of broadcast we have felt that among other things, Education definitely contributes to a well-balanced broadcasting schedule.

Ten years ago, with the help of the Ohio State Department of Education, we pioneered in presenting classroom broadcasts through cooperation of the Ohio School of the Air. Today, that service, now known as The Nation's School of the Air, is heard in classrooms from coast to coast.

It is our belief that radio, in bringing to the classroom material not otherwise available, is making a definite contribution toward modern education.

In the realm of adult education we have consistently, from year to year, brought to our microphones the best material available in cooperation with many public and private organizations.

No, Education at the Nation's Station is no novelty. Today, as always we feel it is one of the important phases of our existence.

Joseph Ries
WLW's Educational Director



"The Wheels Go 'Round," a regular feature of the Nation's School of the Air, takes Joseph Ries, WLW's Educational Director to Shelbyville, Ind., for a first hand interview in a cannery. Similar broadcasts emanated from a Pennsylvania coal mine, a fishery, a soap factory, etc.



The Nation's School of the Air is by no manner of means the only program created and produced by WLW's Educational Department. Other regular outstanding features include — Salute to the Cities, Los Amigos, Church Forum, Synagogue of the Air, Lutheran D. X. League, Nation's Family Prayer Period, Weather Reports, Market Reports, River Reports, Safety Bulletins, plus many special feature broadcasts.

An interesting and educational broadcast was found by Joseph Ries in a large Cincinnati milling machine company where workers were interviewed ... explained what they were making ... what it would be used for ... how they made it. Listeners found this broadcast like all WLW Educational programs, very much worth while.



"I Like Music," a regular Friday feature of the Nation's School of the Air, is broadcast from the Cincinnati College of Music. Other musical programs produced by the WLW Educational Department include the Cincinnati Symphony Society, the Cincinnati Zoo Opera and all visiting musical organizations.

... these things, too, we think are part of the story of WLW

COLUMBIA, WTIC, WOW CHALLENGE FCC; ASK COURTS TO MULL COMMISH ACTS

Transfer of KSFO, San Francisco, Opposed Unfairly. Network to Argue—WKZO, Kalamazoo, Grant Assailed by Omaha Insurance Group

Washington, Nov. 22.

Further litigation over two of the most controversial and startling policies laid down by the FCC was in prospect this week as Columbia Broadcasting System sought court review of refusal to approve lease of KSFO, San Francisco, and Travelers Insurance Co. readied for fight over denial of permit to consolidate its broadcasting interests by shifting licenses of WTIC and four-short-waves to a new subsidiary.

In another tiff with the Commish, a four-year-old case was placed squarely before the District of Columbia Court of Appeals when the Woodmen of the World Life Insurance Society, owning WOW, Omaha, assailed the grant of night operating rights to WKZO, Kalamazoo. Case is of more than ordinary importance since dispute revolves around mileage separation of transmitters on the same frequency.

Despite doubt whether such matters are appealable, CBS and Associated Broadcasters, owning the Frisco plant, asked the appellate tribunal to consider whether the FCC had the right to hold the proposed agreement, whereby the web would take over the plant for a long term, violated the public interest and conflicted with the Communications Act. If this proceeding is thrown out—as is entirely possible—the chain may then attack on another front, falling back on seldom-used device of requesting the Federal District Court for Northern California to scrutinize the case.

Attorneys for CBS contend there is no basis in the law for the Commish to pass upon the purely private or business phases of the lease agreement...and to grant or deny

the application in question upon its conception of those considerations... This was in reference to the Commission's disapproval of clauses allowing the present owner to recapture the property upon expiration of the contract and to intervene in any proceeding to protect his interests.

Other important complaints were embodied in the notice of appeal. Outstanding among them was accusation of inconsistency on the part of the regulators, with the CBS baristers declaring the refusal to approve the KSFO deal is wholly at variance with precedents set in similar past cases. No law or fact was cited by the Commish to justify its reversal of position, the request for review asserted.

Insufficiency of Commish findings and unfair summary of the evidence also were charged. Court was informed the Commish failed to take up all the issues involved and proof offered, emphasizing failure to consider the history of KSFO, scope of service, importance of another web-owned outlet on the Pacific Coast, chain's technical qualifications, and prospective operations. Finding about the program plans was at odds with the testimony, the lawyers added.

WTIC Appeal

With several days' leeway left, counsel for WTIC was putting finishing touches on a request for rehearing on the application for permission to straighten out corporate snarl by shifting licenses of the insurance firm's outlet to Travelers Broadcasting Co. Necessary preliminary to a court fight, which would pose the question of whether the FCC can treat radio stations as pub-

lic utilities and deny proprietors the right to recover past losses.

Several interesting points presented in the WOW brief setting forth why the Commission grant of night facilities to WKZO is inconsistent with the act and rules of practice. Central issue is whether the FCC can allow use of an antenna different from that proposed in formal application.

Five Year Tiff

Effort of WKZO to obtain privilege of operating after dark on 590 kc has been strenuously fought for nearly five years. Originally the plea was granted without a hearing but this action was vacated following charge the final action was in violation of the rule-book. A further hearing was held in the spring of 1936. When the decision was reaffirmed, it was taken to the courts and simultaneously a request for reconsideration was presented. The court threw out the appeal at that time as premature, but now the Commish has refused to reopen the case and the issue is laid squarely before the judges.

Cause of the controversy is adoption of rule stipulating that antennas must conform with standards of good engineering practice to insure efficient operation. When the WKZO request first was filed, no minimum-height requirement was in effect. Rule was adopted 1½ years after the initial hearing and 1 year after the favorable examiner's report, yet the Commish required the station to comply with it although contemplated towers were 120 feet less than the standards stipulated.

At the time of the second hearing, no modification had been made in the application proposing 130-foot radiators. Testimony was received, however, about an undescribed, hypothetical antenna system which would comply with the minimum-height rule. This is held to be in direct violation of regulations which compel applicants to make written

But to Hint—

Philadelphia, Nov. 22. John Thorp, gabber on KYW's farm show, "R.F.D. 1020," complained Thursday morning that he was saying a lot about church suppers and rural festivities but so far hasn't been able to attend any of them. Friday he received a big box of fried chicken from the Hershey (Pa.) Industrial School.

requests, giving detailed description of equipment, for broadcast facilities. Reason the height is so vital lies in the geographical separation required to prevent interference. Engineers for WOW contend that if WKZO complies with the rule, the radiating system will be so efficient it will cause trouble to WOW unless directional pattern is employed. No opportunity afforded at any of the hearings to analyze any proposed directive layout, so the engineers are keeping their fingers crossed. Tables stipulate that with conventional antenna plants on 590 with 1 kw must be 1,050 miles apart while Omaha and Kalamazoo are only 545 miles apart.

Effect of the Commish persistence, according to the brief, is to grant an application which technically was not before it, to allow construction of an antenna different from that proposed, to permit modification of an application in violation of rules, and to reach a conclusion not justified by testimony.

Larson Off R & R

Bennett Larson leaves the producing staff of Ruthrauff & Ryan this Saturday (26). It is over a question of money.

Larson joined the agency over two years ago to do the Milton Berle show for Gillette Razor. After doing the production of the Al Jolson stanza for the first season, he was brought east to direct the Quaker Oats-Tommy Riggs program.

Eddie Davis taking time out from radio scripting to work on his stage, "Curtain Going Up," due for Broadway production.

ANTI-BULOVA CARAVAN

A solid phalanx of New York radio stations goes to Washington today (Wednesday) to oppose the granting to Arde Bulova, watchmaker and broadcaster, of FCC permission to move WFG, Atlantic City, into New York. Stations lined up to shout "nay" are WJCA, WOR, WHN, WBNX, W2XR, probably NBC plus others on the same wavelength.

Stations claim Bulova, directly or by interlocking business associations, controls five stations already. A bitter fight is foreseen.

Faultists' Claim

Washington, Nov. 22.

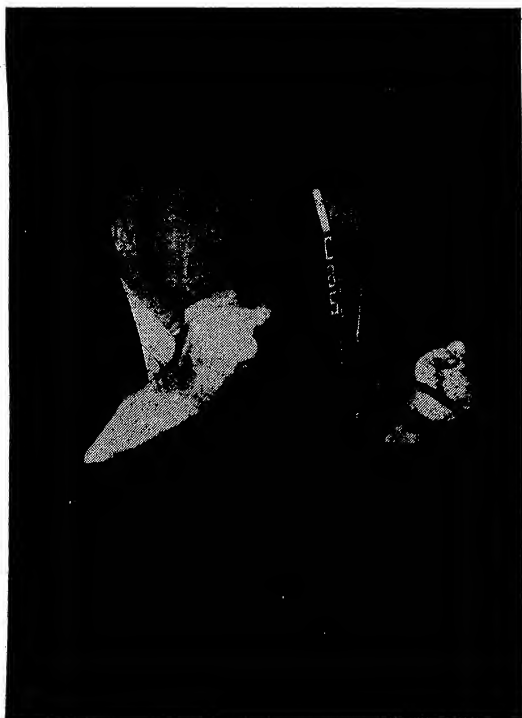
FCC has consented to hear grievances of the Faultist Fathers, from whom Bulova bought WLWL (now WBLL) in connection with his request for permission to take over WPG, Atlantic City. Airing of money trouble takes place Wednesday (today) with the clerics due to elaborate on written allegation that they—not Bulova—are the actual owners of WBLL. Issue is when Bulova should hand over \$125,000, representing the unpaid balance of the purchase price for the transmitter which the religious order sold several years ago following collapse of its own plans to go into the radio business on a big scale.

Allegation that Bulova has not lived up to his promises was presented to the Commish this week in support of a request for permission to intervene.

Milton Biow Out of WNEW

Because of FCC frowning on multiple ownership of radio stations, or interlocking holdings, Milton Biow has tendered his resignation as president and director of WNEW, New York, in order to head Metropolitan Broadcasting Corp., new owners of WINS, the former Hearst station in New York.

The way WKRC does things



WKRC does a lot of things besides broadcasting programs to the Cincinnati audience. • The other day the executives of the Cincinnati Retail Grocers Association held an anniversary party. They're friends of ours. We invited them and their wives to see RADIO on the mike side of the "plate-glass." • H. V. Kaltenborn, CBS' history-in-the-making man, was there, too. After his network broadcast he told them "off-the-air" what was going-on in Europe. • Here's just one reason why Cincinnati dealers like WKRC. Listeners like us for our swell programs. Advertisers like us because we move their goods off dealers' shelves.

WKRC ★ COLUMBIA'S STATION FOR CINCINNATI

550 Kilocycles. Owned and operated by COLUMBIA BROADCASTING SYSTEM. Represented by RADIO SALES: New York • Chicago • Detroit Milwaukee • Charlotte, N. C. • Los Angeles • San Francisco



Radio's pictures are in *five* dimensions

People paint pictures in their own minds. Radio uses such pictures to sell silverware...cigarettes...soap...and everything else.

These pictures are printed in *five* dimensions. They fill the three dimensions of the *eye*...and a fourth dimension of *time* (for the mind holds these pictures a day, a week, a month, a year). Then add a fifth dimension, more important to advertisers than the other four put together: the dimension of *desire*. For people paint pictures in their own mind with *emotion*. They see, in the mind, only that which they *want* to see...as they want to see it.

The pictures people paint with emotion, are the greatest advertising illustrations in the world. They are

the only pictures that sell goods.

Radio 'prints' millions of such pictures *each minute*... yet it allows each picture to be individual and personalized. Each is a *selling* picture, cut and colored by the listener to fit *himself*... highlighted with his own desire!

That is why radio sends so many people into stores and dealers' show-rooms. For such pictures are a restless spur. They make people get out and do things... and buy things.

As a Columbia client has put it: "Radio prints a more alluring picture... tells a better story in a shorter space of time... gains a more appreciative audience."

May we send you proof?

Columbia Broadcasting System, 485 Madison Ave., N. Y.

FCC Hearings Slow Start

(Continued from page 31)

777 worth of talent was sold the web for sustinings.

While contracts gave NBC exclusive right to services of all Bureau-managed performers, clause never has been employed, according to Tutthill. At outset of the booking business it was felt desirable to insure the web of a reliable supply of program fodder, but later execs considered it unfair to deprive members of its stable of the chance to make money on the side. Never asked, however, for deletion of the provision in the pacts. Tutthill was sure no artist ever was denied the right to go on a rival station and insisted there was no attempt to quote higher prices to Columbia or Mutual than to NBC except where difference in type of programs makes it desirable to get more money.

Booking activities in other fields aroused curiosity over FCC attorney but Tutthill denied RCA Victor uses the Bureau as a preferential source of talent for recordings. No arrangement to plug pictures in which web-managed performers appear and only case where programs contain a boost for Hollywood product is where the artists also have commercial programs where some incidental back-patting occurs.

Typical Listener

Typical U. S. dial-twister belongs to a family with an average annual income of \$1,160 and education through elementary school, the Beville graphs depicted. He spends

only \$30 a year for recreation of all sorts.

Listening habits show the average U. S. receiver is turned on nearly five hours a day, urbanites listening 4.76 hours and ruralites 4.78. Researchers found that on an average week-day persons who spend from \$30 to \$50 monthly for rent were the steadiest listeners, with 30% having sets on mornings and afternoons and 50% in the evening. Group paying the largest rentals were the least faithful listeners, only 35% of them tuning in between 8 p.m. and midnight.

Other Nations

Analysis of surveys of service in several countries shows NBC ranks well toward the top in musical programs, leads by a wide margin in drama, is about at the middle in talks, and falls far behind in news, sports and religion. Italy has a tremendous lead in opera, talks, news and sports; Rumania is far in front in serious music; Lithuania sets the pace in religion. On basis of total hours devoted to major programs, however, NBC easily outdistances several European systems in several fields, notably all music, serious music, dance music, drama, and talks, and is close to the top in news and sports and religion. Web has slight lead in percentage of live talent musical programs, with Germany a close second.

Steadily increasing importance of Hollywood as an origination point was demonstrated in a study which shows that last year proportion of programs coming from New York

was at the lowest point since the web began operations. Less than 40% came from Gotham, while in four years proportion from Hollywood bounced from 0.3% to 7.1%. Break-down for 1937 was as follows: New York, 37.65%; Chicago, 24.4%; San Francisco, 19.2%; Hollywood, 7.1%; Washington, 1.9%. In number of hours, New York topped with 7,467; Chicago, 4,835; San Francisco, 3,819; Hollywood, 1,402; and Washington, 375. New York created 22,040 programs; Chicago, 14,647; Washington, 745; San Francisco, 9,113, and Hollywood, 3,577.

Raps Self-Praise

Complaint about self-adulation by NBC witnesses came from Chairman Frank R. McNinch after Beville had inserted his exhibits in the record. While Royal was telling what a great job his company accomplishes, the FCC head admonished attorneys for the parties to frame questions so answers would not constitute 'self-praise' and unnecessarily pad the record. Twice he rebuked Hennessey and Royal for a mutual admiration act.

Expenses for sustaining programs, Royal said, amount to more than \$5,000,000 a year, with agencies and sponsors kicking in \$15,000,000 for broadcast costs and other charges, including salaries of execs who deal with programs. This \$15,000,000, combined with estimates on a similar basis for organizations which assist NBC in providing programs, would add up to a grand total of \$100,000,000. 'Other organizations,' it was explained, include BBC and other foreign systems whose resources are drawn upon by NBC.

Quizzed by FCC assistant counsel, George Porter, as to whether he felt it was good policy to ask artists to sign exclusive contracts with NBC, program chief replied in the affirmative. Exclusive contracts are made only with artists who have special attributes which NBC desires to have exclusively with its networks, Royal explained.

'You wouldn't expect to have Babe Ruth playing for the Yankees one day and the Giants the next,' he cracked, 'and I wouldn't want Charlie McCarthy on NBC one night and on Columbia or Mutual the next.'

Commish took the NBC v.p. over the hurdles on program policies of the web during the afternoon session. Required him to reply to ticklish quizzing concerning NBC's attitude on advertising plugs, children's shockers, the bewhiskered 'Mexican Love Song' and Mae West incidents and the more recent turble-burly over Eugene O'Neill's prize winning play, 'Beyond the Horizon.'

If a show is good, Royal informed the Commish, 'amount of advertising does not bother us.' Admitted that he thought, in some shows, the ballyhoo had been overdone—but in these cases the management takes it up with the agencies which, in the main, cooperate. Quite natural for continuity writers to put as much sales talk as possible in a program, he added, but this he did not consider 'smart.'

Dick Tracy Guilty

Replying to Porter's complaints about 'nerve-racking children's programs,' Royal pointed out that NBC officials are endeavoring daily to solve the children's program problem. Not a great number of complaints, he declared, although he felt 'Dick Tracy' detective thriller had been justly criticized.

'Children have been excitable for years—long before radio,' Royal declared. 'Radio should not be blamed for excitable children—or adults,' he added, with a dig at the recent Mae West program.

Despite consistent pounding by Commish attorneys, NBC exec would not admit that more complaints were received about commercial programs aired by his company than about sustainers.

Not many complaints are received from listeners about 'cheap, wisecracking programs,' Royal told the Commish. Some squawks about ad-libbing, he admitted, but chain has very strict rule against this and has on several occasions 'pushed the button,' when spiels have wandered out of bounds. No 'suggestive remarks' are made in the air and, consequently, no outraged listeners writing in on that score.

Obscene—In Spanish!

Royal admitted that plenty of screams had been received on the 'Mexican Love Song' program of several years ago—described by Porter as 'stated to be bordering on the obscene.' Said he had the transcription with him and would be glad to let the committee and the audience hear it—adding that it was in the Spanish language.

Mae West program, of 1937, might

Washington Conversation

George Engels, v.p. in charge of NBC's artists' bureau, created an unprecedented situation on the witness stand in Washington last week when he disclaimed authorship of his own report to the Federal Communications Commission and commented unfavorably on its contents. Wags immediately dubbed him 'unaccustomed-as-I-am' Engels and said he was radio's new champion in script-jumping.

Engels' performance embarrassed everybody at the hearings and the commission itself seemed relieved when his amazing act was completed and he stepped down. Reaction within NBC's organization was that the selection of Engels as a spokesman was bad stage management to start with.

Matter was so delicate that the curious have still to hear a logical answer of Engels' strange lack of sympathy for his own organization's defense tactics.

Witnesses Ramble On

Study of network operations and monopolies by the FCC is not an investigation in the accepted sense of the word in government circles. Rather, it's seen as a gabfest and a filibuster against Congress. In obvious contrast to the manner and methods of the Securities & Exchange Commission, Federal Trade Commission, and other independent agencies, FCC is allowing the respondent parties to ramble on at great length. Only occasional efforts by presiding commissioners to speed up proceedings by forcing witnesses to telescope their answers.

Rumor Mills Work Overtime

Despite the new wage and hour law, the rumor mills in the broadcasting industry last week operated on 24-hour basis. All sorts of fabrications flew thick and fast, with various sets of top executives in NBC and Columbia toppling from their heights. Curious feature about all these rumors, apparently incubated during the Washington hotel room interims of the current industry investigation by the Federal Communications Commission, is that in no two of them are the same sets of doomed officials mentioned.

be classed in the same category with 'Love Song,' Royal conceded, but quizzers apparently were satisfied with his remarks and did not press the question further.

Royal had one brush with Commissioner Eugene O. Sykes, when Sykes asked him, regarding the 'Beyond the Horizon' broadcast: 'Didn't the continuity writer think that the name of the Lord might be taken in vain?'

Use of the words 'hell,' 'damn,' 'my God,' etc., used in the O'Neill script were 'religious exclamations' rather than profanity, Royal argued, since the character using them was a 'God-fearing man' by a man who believed in God and who used the word because he was a worshipper of God.

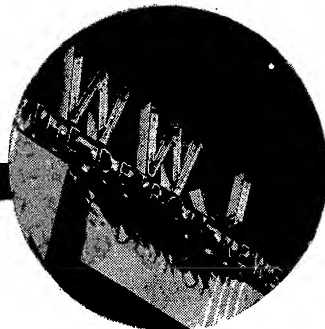
Interpretation of profanity, in such cases, 'depends on who does it, why it is done and how it is done,' Royal declared, adding that 'if it was profanity we are sorry.'

More complaints were received by NBC when a program carrying the Notre Dame-Army game was cut off when the ball was on the one-yard line with one minute to go than over any other single air happening, exec told the committee.

Quizzed again by Porter—as to whether a large percentage of the squawks received by the web do not revolve around advertising programs, Royal replied that a large part of the complaints deal with commercials because such programs

make up a large portion of NBC business. Commish counsel countered with a large batch of squawks received by the Commish—pointing out that there was a definite showing that majority of beefers corresponding with the Government agency objected to commercial broadcasts rather than sustaining programs. Inferred that American listeners are becoming fed up with large amount of advertising copy carried in the bigtime commercials.

In Detroit It's



America's Pioneer Broadcasting Station
Basic Red Network Station

1st in Listener Interest
1st in Fine Programming
1st in Advertising Preference
1st in Advertising Results

WWJ

Owned and Operated by
The Detroit News

Represented Nationally by

The George P. Hollingbery Co.

New York : Chicago Detroit : Kansas City
San Francisco : Atlanta

..STRANGE..

LYRIC AND MUSIC BY

JOSEF and BILL CHERNIAVSKY
ALVIN ROBERTS and ALBERT CAMSE



Circle 7-7277-7276-7279
CABLE ADDRESS: MARKS-NEW YORK
ESTABLISHED 1894

EDWARD B. MARKS MUSIC Corporation
PUBLISHERS and IMPORTERS OF MUSIC
RCA BUILDING • RADIO CITY NEW YORK

Mr. Josef Cherniavsky
Musical Director, WLW
Cincinnati, Ohio

Dear Mr. Cherniavsky:

We were especially ambitious to release for 1939 what we call the most appealing melody for the coming season. In our modest way, without much ado, we invited a group of our well-known personalities to submit to us a new ballad, and it gives us a great deal of pleasure to inform you that among the many manuscripts submitted to us for our consideration, we accepted your new song entitled "STRANGE" as a song that lives 100% up to the E. B. Marks musical tradition—THE MELODY IS THE THING.

We have no doubt that the leading radio stars as well as name band leaders, after becoming acquainted with your beautiful number, "STRANGE", will fully agree with our choice.

Heartiest congratulations!

Very truly yours,



Read with pleasure
Josef

Edward B. Marks

Agencies-Sponsors

WISN, MILWAUKEE

Riverview Rink, Inc., 156 night spots; State Chartered Insured Building & Loan Group, 13 announcements, and Laikins Ladies' Apparel, sales promotion announcements. Through Richard Shireman.

Milwaukee Dairy Council, 90 spots, Frank Effinger agency through John Printup.

Kovak Silks, Everetts and Lake Park Motors, all announcements. A. L. Zimmer.

Nelson Bros., 54 musical programs Sundays; Linc Products Corp., 26 announcements; De Forest Training Schools, Inc., 13 programs Sundays; Lydia Pinkham, 156 programs with 'The Voice of Experience.' Through Presba, Fellers & Presba, via Ed Heaton of International Radio Sales.

Pivar Bros.; Mitchell St. Advancement Association, announcements, A. L. Zimmer.

Carpenter Baking Co., renewal eight-word through-the-day schedule for Nov., salesman John Printup, W. E. Long Agency, Chicago.

Ex-Lax, 101 one-minute transcriptions, Morse International, Inc., Lincoln Simonds of International Radio Sales.

Jaeger Baking Co., renewal announcements, Klau-Van-Petersom-Dunlap & Associates.

G. Allen Leland Studios; Greenfield West Allis Advancement Association, announcements, Walter Beadell.

KENT-KSO, DES MOINES

Employers Mutual Casualty Co., 'History Speaks,' 15 minutes, 26 weeks, KRNT.

Iowa Optometrists Assn., three 5 minute programs weekly, 52 weeks, Direct.

Roll Screen Co., 13 announcements, L. W. Ramsey agency.

Seidlitz Paint & Varnish Co., 13 chain breaks, Barron Advertising Co.

Zerbst Pharmaceutical Co., daily announcements, 26 weeks, Barron agency.

ExLax, ten 1 minute trans. weekly, 52 weeks, Joseph Katz Co.

Nash Kelvinator Co., 26 1 minute announcements, Geyer-Cornell Co.

Arco Tubular Skate Co., three-quarter hour programs, Gussow, Kahn & Co., New York City.

Smith Bros., five chain breaks per week, 26 weeks, Brown & Tarcher.

Folger Coffee Co., five quarter hours per week 'Judy & Jane,' Gardner.

Leighton & Nelson has spotted on WGY one-minute announcements until Dec. 24 for Cooper & Cooper, Inc. (stokers), Pittsfield, Mass. 'Same agency is using on WGY, until Dec. 22, one-minuter for Lower State Street Merchants Association of Schenectady.

WCAE, PITTSBURGH

Maritz Mountain Products Co., one 10-minute musicale with Johnny Mitchell at organ.

Baur Bros. Bakery, one-minute disc announcements daily for 13 weeks through Sherman K. Ellis.

Charlie Cook Corp., quarter-hour piano lessons once weekly for 13 weeks. Placed by H. C. Morris.

South Hills Co., 10-minute dramatic sketch once weekly for four weeks.

B. F. Steat Co., participation in Morning Express as ordered for 52 weeks.

Standard Vitamin Corp., 100-word participation in Polly Entertains three times weekly for month. Peek Agency.

National Fire Insurance Co., daily

participation in Polly Entertains for six weeks.

Crowell Publishing Co., renewal of Jean Abbey quarter-hour for 52 weeks through McCann-Erickson.

Grove Laboratories, daily station breaks for four months through H. W. Kaslor Sons.

Pleasant Hills Realty Co., daily participation in Polly Entertains for four weeks through Elsie Lichtenstul.

Reld-Murdech Co. (Automobiles), 75-word daily participation in Morning Express for 52 weeks through Rogers & Smith.

Santa Claus broadcasting over WFBM under sponsorship of William H. Block department store, Indianapolis.

Flamingo Sales Corp., Los Angeles (nail polish) through Buchanan & Co., Inc., is spotting transcribed announcements over KPO, San Francisco, daily except Saturday, through Jan. 5.

From the Heart

Philadelphia, Nov. 22. State Emergency Council, made up of Pennsy's most important industrial executives, headed by Walter Fuller, prez of Curtis Publishing, are being given five-minute period each Friday by WCAU to ballyhoo for lower taxes. Each exec will take a turn on the air.

Ballyhoo Toscanini

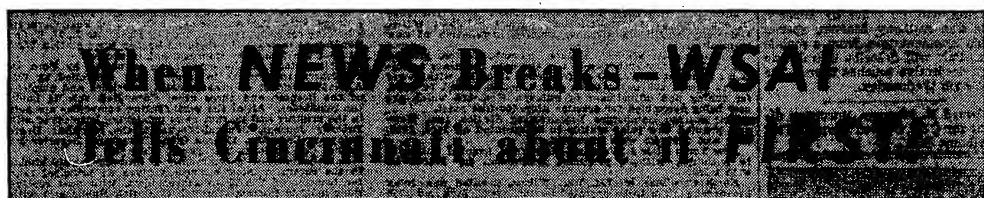
Philadelphia, Nov. 22. WFIL is organizing 'Toscanini Listening Clubs' here to catch the Saturday night concerts on the Blue Network. Outlet is contacting first by letter and then by phone or in person 250 literary and artistic groups in Pennsylvania and New Jersey to build up an audience. Added interest will be stimulated by having music authorities air comment on the programs the preceding Friday afternoon.

Raps Admen's Mania for Figures

'Gross Circulation' Demands by Agencies Ridiculed by William Ryan

San Francisco, Nov. 22. Offering a check for \$100 to the first person who could give him the potential circulation figures of a newspaper advertisement against the actual circulation figures for a radio program, sales manager William Ryan of KPO and KGO condemned recent local surveys based on such comparative figures as false and misleading, during a talk before the Radio Department of the San Francisco Advertising Club last week. Check, which was unclaimed, represented joint contributions by Ryan; manager Ralph Brunton of KJBS, sales manager of Ward Ingrim of KFRC, and Henry Jackson, local CBS sales chief. Ryan also took to task those agency men who demand gross circulation figures from radio salesmen. Ryan expressed his belief that the reservoir of potential local business has scarcely been tapped by radio stations here, pointing out that radio men have been particularly unsuccessful in getting department stores in town to take full advantage of radio, despite the notable success of stores in other Coast cities with broadcast advertising. Ryan stressed the importance of having local radio men work together instead of against each other to sell radio as an advertising medium. He quoted success stories from the files of stations other than his own, mentioning among others 'the Sherman Clay program of recorded music on KJBS, which sold \$40,000 worth of pianos in a two-week period.

John Blair on the Coast for biz sesh with Lewis Allen Weiss.



IN turbulent times such as these the world waits breathlessly each new development both at home and abroad. Realizing this WSAI has increased the tempo of its already efficient News Room to bring Cincinnati the news FIRST! Special leased wires from UP and INS, plus, one of the largest and most competent news room of any radio station in

the United States means that WSAI can and does lead all Cincinnati stations in news coverage. The WSAI News Room headed by H. Lee McEwen maintains eight regular staff news men who rewrite every single news item released on WSAI. Is it any wonder then that Cincinnatians have learned to tune to WSAI for news... when it's News!

These MEN Bring WSAI Listeners NEWS - when it's NEWS!



Peter Grant

Heading WSAI's galaxy of star newscasters is Peter Grant, renowned for his forceful delivery, easy style. His nightly 9:30 news review for Capitol-Barg is one of Cincinnati's most popular news programs.



Gordon Shaw

Intimate... distinctive... listenable... characterize News shows featuring Gordon Shaw. Shaw is heard regularly on WSAI at 10:30 P. M. Cincinnatians like him and listen to his broadcasts.



Fulton Lewis

Heard on WSAI thru the Mutual Broadcasting System, his program originates in Washington, D.C. His keen view of the current scene has built a large following. His regular 7 P. M. program is available for participation sponsorship.



Charles Woods

Pinch-hitting for Paul Sullivan on WLW and Peter Grant on WSAI have popularized Woods' free and easy style of news delivery. He is heard on WSAI's news show, "Pulse of the City", Friday at 8:30 P. M.

WSAI OFFERS REGULAR NEWS REVIEWS IN THE FOLLOWING GROUPS:

MORNING HEADLINES... 7:55-8:00 A. M.—Monday thru Friday

NOON NEWS... 11:55-12:00 Noon—Monday thru Saturday

LATE AFTERNOON NEWS... 5:30-5:35—Monday thru Saturday

COST: One strip per week—\$120... Two strips per week—\$210... Three strips per week—\$300

Three Sunday News Periods available. Prices on request.

NOTE: No contract accepted for less than 13 weeks

Hold.

All Appropriations

FU MANCHU IS COMING

Millions Have Read
Millions Have Seen
Millions Will Listen



AMERICAN NEWS' TEST

15 Best Sheet Music Sellers

(Week ending Nov. 19, 1938)

My Reverie	Robbins
*Two Sleepy People	Famous
*I've Got a Pocketful of Dreams	Santly
All Ashore	Shapiro
*Heart and Soul	Famous
*My Own	Robbins
*Change Partners	Berlin
Lambeth Walk	Mills
Who Blew Out the Flame?	Feist
While a Cigarette Was Burning	ABC
Summer Souvenirs	Bregman
*You Must Have Been a Beautiful	Remick
When I Go A-Dreamin'	Lincoln
Sixty Seconds Got Together	Santly
So Help Me	Remick

* Indicates film musical song. † Indicates stage production song. The others are pops.

Cabled Instructions Ignored, That Trial-by-Public Stunt Went Over And Home Town Boy Got Verdict

Buenos Aires, Nov. 22. Despite cabled instructions from Edwin P. Kilroe, general copyright attorney for 20th Century-Fox Films in New York head office, the local attorney for 20th, went ahead with the 'Irish justice' version of a song copyright case, and, as was feared, the Argentine composer who claims his tune was stolen, won out. Film company immediately filed appeal and took exception to the decision by the court which was held in a current cinema, where the audience served as 'jurors,' in helping decide the issues. The judge took the case under advisement on the motion to set aside the verdict.

Public As Judges
Kilroe from New York to set up the argument that he couldn't see how a public could assist any jurist in determining any similarity in melody; that the usual procedure was to trace back the melodies in question and, often as not, it can be found that both are based on some other melodies, already in the public domain.

This is the case where the Mack Gordon-Harry Revel song, 'Good-nigh My Love' (Robbins Music Corp.) from 'Stowaway' (Shirley Temple film) was allegedly borrowed from a tune by Juan Calabria, local tunesmith. After the film was shown in the theatre, both melodies performed by Argentine musical experts, and the other evidence turned in, the public—which had paid an admission—also helped in deciding the merits of the case.

ASCAP GROUP HEARS ROYALTY PROTESTS

Availability committee of the American Society of Composers, Authors and Publishers last week deferred handing down decisions on the rating protests of Famous Music Corp., Santly-Joy-Select, Inc., and Paull-Pioneer Music Co. until it has had a chance to collect statistics bearing on the three cases. Three firms contend that their catalogs are worth far more than the number of availability points now allowed.

Resumption of activity by the availability committee indicates that it has no intention of further declining to act on rating adjustments until a report had been turned in by the special committee inquiring into methods of reorganizing ASCAP's royalty setup for publishers. Dominant opinion on the ASCAP board is that nothing material will come out of this study anyway.

Albert Hay Malotte sold two songs to Schirmer, Inc. Ditties are 'The Rolling Sea' and 'The Homing Heart.'

Harold Arlen and Ted Kohler sold 'Sing My Heart' to RKO.

Saxless Girl Orchestra Headed by Edgar Carver

New all-girl orchestra of 20 pieces makes its debut tonight (Wed.) at the New York World Fair Auto show. Band is set for the length of the exhibit which runs 12 days. Edgar Carver, NBC arranger, heads the unit which is tagged Edgar Carver's Troubadours.

Composed of strings, flutes, oboes, etc. Only brass is three trumpets, and the crew is saxless.

PLUG SYSTEM 8 WEEKS AHEAD IN LONDON

London, Nov. 11. BBC is operating on a schedule of 700 dance band broadcasts during the year, and over such period spends near \$150,000 on this one item. Programs include not only regular late sessions up till midnight, but cover both studio shows and remote broadcasts from hotels, restaurants, clubs, niteries and also theatres.

Fitting in all the acknowledged maestros, and mixing the programs to give an even break to all the music publishers, at the same time checking any number being plugged to death, is a job that takes up a lot of time of a permanent committee, Philip Brown, Leslie Perowne, John Burnaby, Douglas Lawrence, Ray Speer and Charles Max Muller. Brown is variety dept's dance band assistant; Perowne handles disc programs; Muller represents remote broadcasts; and the others are in the production programs section.

It normally takes a period of eight weeks to lick just an average 45 min. BBC dance broadcast into shape. After a band has been pencilled in, the remainder of the time goes in fixing copyright snags, special fees, seeing each publisher gets an even deal, and settling that the entertainment balance is right by comparison with other similar broadcasts at and about the same time.

Most of it is Philip Brown's job.

Dissolve Davis Corp.
Albany, N. Y., Nov. 22. Meyer Davis Music, Inc., with principal office in New York, has been dissolved. Papers to this effect filed with the secretary of state at Albany by Simon, Koenigsberg & Young, Washington, D. C.

IF CLICKO WILL SPREAD OUTLETS

Distributor of Books and Magazines Trying Out Sheet Music—Might Mean Thousands of Brand-New Sales Points and Aid Publishing Biz

WHOLESALE

First major attempt in years to expand the number of retail outlets for sheet music may result from an experiment that the American News Co., one of the country's largest distributors of magazines and books, is arranging to conduct. Details of the project have been discussed with the Music Publishers Protective Association and it is expected that all necessary tieups will be completed by the end of this week.

Two cities not far from New York will be selected for the experiment. Placement of sheet music by the distributor will be limited to drugstores, periodical stores, tobacco shops and other like outlets which retail its magazines. For the start the sheet music racks will carry from 25 to 30 numbers, with the selections being made from the current best seller lists.

Both the wholesaling and retailing of this venture will be based on existing prices. The American News Co. will buy from a central source at the same rates, allowed chain stores, the music will be sold for 30c. and 35c. and the return privileges will be the same prevailing for all other retailers. Distributor proposes to back up the experiment with considerable promotion and it will see that the sheet music gets the right display in the various stores.

If the experiment pans out successful the American News Co. will make sheet music available in thousands of outlets.

PUBS MEET 802 ON NEW COPYIST SCALE

Special publishers committee, with Elliott Shapiro as chairman, meets today (Wednesday) with a delegation from the New York musicians union to discuss the new contract offered by the latter for arrangers, copyists and proof-readers. It's the first negotiatory move since the terms were submitted by Local 802 a month ago. New agreement would become effective Jan. 1, 1939. Comparative digest of the scale and conditions was mailed to the trade last week by the Music Publishers Protective Association.

Walter Douglas, MPPA chairman, was instructed by his board at meeting last Wednesday (16) to proceed with the negotiations and to call another board meeting when the final terms had been worked out with the union.

PALOMAR'S AIR SPREE

Los Angeles Ballroom Gives Visitors 17 Hearings Weekly

Band heaven as far as air pickups are concerned is the Palomar Ballroom, L. A. Spot others whatever crew happens to be on the bandstand an aggregate of 17 times weekly, adding up to six hours and 10 mins. of local and coast-to-coast broadcasts. Gene Krupa's outfit is current.

Most of the shots are of 15 min. and half hour duration, three days of the week adding to an hour or more. Thursday has one hour, Friday an hour and 15 mins., and Saturday an hour and 10 mins. Sunday and Monday are web nights augmented by extra locals. Stations are KEHE and KNX.

Tighten Up on Arrangements; Douglas Moves to Get Okays For Harry Fox to Act as Agent-Trustee

Add: American Humor

St. Louis, Nov. 22. When the St. Louis Chapter of the Society for the Preservation and Encouragement of Barber Shop Quartet singing met at the Mark Twain Hotel last week to select the 20 best harmonizing songs, 'Sweet Adeline' fell by the wayside and didn't get a vote. Dempster Godlove, prez of the local chapter opined that at the right place and the right time, after midnight, 'Adeline' might have her supporters but added that it is the boor of the party who hasn't got the spirit for true harmony that will start warbling 'Adeline' at 8:30 p.m.

Music Publishers Protective Association has started its drive to enforce the provision in the copyright law which gives the copyright owner the exclusive right to make an arrangement of his work. Walter Douglas, MPPA chairman, yesterday (Tuesday) addressed a letter to MPPA members asking them to authorize Harry Fox as agent and trustee to act for them in licensing such right of arrangement, just as he does in the case of mechanical rights.

Attached to Douglas's letter was a copy of a resolution passed by the MPPA board last Wednesday (16). This resolution urged that orchestra leaders, recording artists and others be notified that any arrangements or adaptations would hereafter be subject to certain limitations and conditions. The express circumstances that the publishers proposed to enforce were to be as follows:

1. Such arrangements or adaptations shall be and remain the property of the copyright proprietor.
2. No arrangement or adaptation shall modify the fundamental character of the composition or be detrimental to the honor or reputation of the composer or publisher.
3. The orchestra leader or radio artists making the arrangement may retain the manuscript but the use of it is only for giving personal performances or in connection with making phonograph records for home use only, or in connection with making any duly licensed electrical transcription.
4. No such arrangement or adaptation may be published.
5. Such arrangement of adaptation is for the personal use of the artists or orchestra leader that makes it and neither the manuscript or the right to use it may be transferred.

Coin Machines
After Fox has obtained the required authorizations from publishers the MPPA will then move to enforce this right in the making of phonograph records for use in coin-operated machines. So far the phonograph companies have refused to recognize the involved right as in principle. It is now realized by the MPPA that before any court action can be brought to enforce this right special authorizations from the copyright owners in the association are necessary.

Previous attempt by Fox to have the exclusive-right-to-arrange clause made part of the licenses issued in behalf of copyright owners was rejected by the phonograph companies. Latter insisted that they be permitted to continue to operate on the basis of the old license which covers only the right to record.

WILL HUDSON, RECUPED, READY TO REORGANIZE

Will Hudson, who disbanded his orchestra several months ago in order to retire to a Lake George, N. Y., retreat for a rest, will shortly start reorganizing. He will be back in the band field after the first of the year. Hudson disbanded the crew which he and Eddie Delange co-directed and which he kept after the two split. At the time Hudson loosed his crew he received promises from the men who remained nearly intact under his baton for a number of years that they would return to his leadership whenever he was ready.

Spitalny at Biltmore

Phil Spitalny opens at the Biltmore hotel, N. Y., tomorrow (Thursday) for a three-week stay. Following the all-girl unit's run Horace Heidt will return to the spot.

BLUE BIRD IS GUNNING FOR DECCA

RCA Victor has slashed its jobbing price on the Blue Bird label from 21c to 18c with the express purpose of moving in on Decca Record's dominance of the slot machine business. Decca declares that its own price will remain at 21c and also that it will not duplicate the practice among Victor distributors of taking back used records from coin-machine sources.

Victor, which has it figured that Decca earns a profit of 1.8c per record at the 21c basis, estimates that the turnover in the coin-machine field amounts to 1,250,000 records a month. Also that Decca's sales to such users this month will go over 800,000 mark.

As part of the competitive drive against Decca the RCA subside has made Ethel Waters, Fats Waller, Dick Todd and Artie Shaw available on the Blue Bird list.

DRUMMERS IN DEMAND

Jitterbug Wave Gives New Glamour to Skin-Beaters

Three biggest swing bands in the country are currently in the throes of shuffling drummers. Skin-beaters are the most sought after cats among the larger and more important outfits and as a result the best ones are always the object of offers from other bandleaders. Sniping of other's musicians was a heavily indulged practice this summer which found topnotchers in all band sections acting like Mexican jumping beans.

Most important post is that excited by Dave Tough from Benny Goodman's outfit. His spot has not yet been filled, Goodman relying on his colored ace, Lionel Hampton, to fill in till the gap is plugged. Goodman is taking his time about selecting a replacement as Tough has been out nearly a month. Although nothing's been signed yet, Tough is booked to replace Maurice Purtill with Tommy Dorsey. Tough was with Dorsey once before and won't succeed Purtill until he recovers from a current illness.

Third skin-beater set to be shifted is Artie Shaw's. Latter has made several changes lately and currently has Bernie Privins of Tommy Dorsey's trumpet section set to step into his (Shaw's) band next week.

Hoagy Carmichael and Frank Toecker clefted title song and 'Who Dunit' for Paramount's picture, 'Some Like It Hot.'

Canned Music Opera Troupe Runs Afoul Theatre Unions; 'Faust' Given in Street Togs

Birmingham, Nov. 22. 'Faust' was put on here past week by Opera-on-Tour, Inc., sans costumes, wigs, makeup, scenery or orchestra. It was all because of a strike called by the American Federation of Musicians among the members of the International Stage Employees' Association protesting the company's use of 'canned' music recorded by the London Philharmonic Orchestra. Local employees were instructed not to unload or set up the scenery, allow the costumes and sound equipment to be removed from the railroad car or even run up the curtain.

As a result the audience saw: Faust in a business suit leaning casually against a grand piano with a similarly clothed Mephistopheles. A dark-eyed brunet Marguerite unheeded by the traditional blond braids, clad in a dinner dress and singing the famed Jewel Song to a casket of jewels that wasn't there in a garden that was actually the denuded stage.

Opera had been put on unmolested in Nashville and Richmond. Show in Montgomery was called off on account of the same labor troubles.

Lehman Kln Is Backer
Opera-on-Tour, Inc., an outfit which has been sponsoring travelling troupes of unemployed singers, stage hands and mechanics, was denied temporary injunctions Friday (18) by Supreme Court Justice Hofstadter, N. Y., to stop AFM and the IATSE because they are conducted with the aid of 'canned music.' Judge Hofstadter decided, instead, to place the case on for immediate trial to decide whether a permanent stay should be granted. Besides the unions, Joseph N. Weber and George E. Browne, the respective presidents, are also named defendants in the action. The plaintiff corp., through Mrs. Harold M. Lehman, niece of Governor Lehman, who is one of the organizers of Opera-on-Tour charges the defendants with conspiracy.

Mrs. Lehman's stepfather, Arthur de Young, is president of the organization and Mrs. de Young vice president. Tour started last month and was scheduled to wind up yesterday (Tuesday) at Chapel Hill, N. C. Mrs. Lehman said that the calling off (Continued on page 45)

Whiteman's Worcester Dates

Worcester, Nov. 22. Paul Whiteman is set for four one-hour programs here, nights of Jan. 23 and 24 under auspices of Altheia Grotto. In connection with Grotto circus at Municipal Auditorium.

Bouquet

Philadelphia, Nov. 22. Five-pound rock was tossed through the window of the apartment of Florence Kirk, Civic Opera warbler, last Friday night (18), just after she had made her debut in the title role of 'Aida' at the Academy of Music.

A distinct success in the opera, police are searching for a jealous rival, or a press agent.

Moss' Concessions To Lecture Mgrs. Seen on Licensing

New York lecture managers have abandoned their fight against licensing by New York License Commissioner Paul Moss. W. Colston Leigh, one of the leading managers, has already taken out a license and others are expected to follow shortly. Managers had previously banded to resist the commissioner's licensing edict and talked of sponsoring legislation to protect themselves.

Stated that the action in putting themselves under Moss' jurisdiction will be 'merely a formality,' since the commissioner has given them a written memorandum to the effect that in his opinion the 5% commission clause in the employment agency law is invalid as applying to them. Managers believe that indicates that they will be given whatever protection licensing provides, but will be no more vulnerable than before to refusal of their clients to pay commissions larger than 5%.

Managers expect to go along under the commissioner's rule to see how that plan works out. License applications expire next May and if the plan hasn't proved satisfactory by then, renewals will not be taken out. Managers' reason for resisting the licensing move in the first place was fear that their present fees of from 25% to 50% would be sliced to 5% to conform with the employment agency law. Decision to submit to licensing was reached after several conferences with Vincent Calenda, attorney and secretary to the license commission. David Marshall Holtzman is attorney for the managers.

Adolph Deutsch doing the musical score for 'Unit to Print' at Warners.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Nov. 14-20). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, † legit tunes, and 'pop' speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
My Reverie.....	Robbins	Pop	47
Heart and Soul.....	Shapiro	A Song Is	45
All Ashore.....	Shapiro	Pop	37
While a Cigarette Was Burni.....	ABC	Pop	33
I Won't Tell a Soul.....	Crawford	Pop	32
Ya Got Me.....	Lincoln	U. of Penn. Mask and Wig	32
Sixty Seconds Got Together.....	Stansy	Pop	31
You Must Have Been a Beautiful	Remick	*Hard to Get	31
Deep in a Dream.....	Harms	Pop	30
Simple and Sweet.....	Miller	Pop	30
Two Sleepy People.....	Mark	Pop	29
What Have You Got That Gets Me?	Famous	*Thanks for the Memory	29
They Say.....	Witmark	Pop	28
Summer Souvenirs.....	Bregman-Vocco-Conn	Pop	27
Who Blew Out the Flame?.....	Feist	Pop	26
Please Come Out of Your Dream.....	Famous	Pop	26
When I Go a-Dreamin.....	Lincoln	U. of Penn. Mask and Wig	25
Have You Forgotten So Soon.....	Berlin	*Straight, Place and Show	24
My Own.....	Robbins	*That Certain Age	23
Ye Got a Pocketful of Dreams.....	Sansy-Joy	Pop	23
Day After Day.....	Green Bro.-Knight	*Sing You Sinners	23
So Help Me.....	Remick	Pop	21
Alexander's Ragtime Band.....	ABC	*Alexander's Ragtime Band	21
Lambeth Walk.....	Mills	Pop	20
Hurry Home.....	Spier	Pop	19
What Do You Know About Love?	Spier	Pop	19
Change Partners.....	Berlin	*Caroline	18
Is That the Way to Treat a Sweetheart?	Olman	Pop	18
Night Before Christmas.....	Chappell	Pop	18
Love I'd Give My Life for You.....	Chappell	*Hollywood Revels	18
It Serves You Right.....	Tenney	Pop	18
This Can't Be Love.....	Chappell	*Boys from Syracuse	16
You Look Good to Me.....	Bregman-Vocco-Conn	Pop	15
What Goes On Here?.....	Chapman	*Give Me a Sailor	15
Small Fry.....	Chapman	*You Never Know	15
Girl Friend of the Whirling Dervish.....	Famous	*Sing You Sinners	14
F.D.R. Jones.....	Harms	*Garden of the Moon	13
Everybody's Laughing.....	Chappell	*Sing Out the News	13
Stop Beating Around the Mulberry Bush	Chapman	Pop	13
Pop Angels with Dirty Faces.....	Bregman-Vocco-Conn	Pop	13
I Must See Annie Tonight.....	Fisher	*Angels with Dirty Faces	12
Old Folks.....	Bregman-Vocco-Conn	Pop	12
I've Got a Date with a Dream.....	Remick	Pop	11
	Feist	*My Lucky Star	10

Inside Stuff—Music

Local 802 of the AFM's benefit at the Manhattan Opera House, N. Y., last week, in behalf of its medical fund was a sellout. Refurbished MOH has a capacity of 5,000 and a crowd which must have exceeded that figure forced city firemen to close the doors about an hour and a half after they were opened. Even ticket holders who had duets in advance were left holding 'em on the sidewalk. About half as many as were in the house were turned away.

It was the smoothest run of all the giant band outings of the past season, and the topper of 'em all. Union itself underwrote, at negligible cost after a gander at it, the installation of a stage built on tracks enabling the thing to be shuttled back and forth across the stage proper.

Worked by using only the center portion of the stage itself and alternately loading and exiting each end of the shuttle affair with bands. Some 30 or more of the biggest name crews now in New York showed up and the close figuring of time consumed by each showed in the signoff. Originally advertised as lasting till six in the morning, that was changed to five just prior to the outing and the last crew faded at 5:08 a.m.

Sam Tabak, one of the union execs made a short curtain speech. He said in effect that nowhere in the world could a lover of music of any type find such proficient musicians and bands as are to be found in this country. And it was possible because there is absolutely no discrimination of color or creed in the band world. Bands are rated by what they can do and not who or what its members are.

On his trip north from New Orleans last week John G. Paine, general manager of the American Society of Composers, Authors and Publishers, stopped off at Jackson, Miss., for a conference with the state's attorney-general on the application of Mississippi's privilege tax law to the Society. This law requires that local licensing for all outside firms doing business in Mississippi.

Paine asked that the state's tax commission supply him with a memorandum showing that ASCAP must do to comply with the statute and also explaining just where the performing rights combine fits into the provisions of this revenue code.

Current instance of an old tune staging a sheet counter comeback as the result of a fair plug is 'Mexicali Rose.' Bing Crosby happened to include the song in his collection hit on the radio (Nov. 14-20). A band leader here and there got a call to do it from the cafe listeners, and the boom on sheet copies started. Two New York jobs between them last week disposed of over 1,000 copies.

'Mexicali Rose' didn't come within rating when it was originally published in 1923 by W. A. Quince, of Los Angeles. In 1935 the copyright was assigned by Quince to M. M. Cole, of Chicago. Jack B. Tenney and Helen Stone were the writers.

Renewal assignment which Shapiro, Bernstein & Co. filed in Washington on the tune, 'Melancholy,' was strictly from Maybelle E. Watson Bergmann, who in a recent suit claimed that she wrote the original words of the number. Before filing suit in the N. Y. supreme court Mrs. Bergmann's counsel sought to have the Joe Morris Music Co. put her name on the title sheet of 'My Melancholy Baby.' Latter firm replied that it couldn't understand why she had delayed the request for 27 years, and what was more to the point, she had never had anything to do with the writing of the song which became popularized as 'My Melancholy Baby.' The words she wrote for 'Melancholy' were never published.

Rumor that Harry Link will quit Irving Berlin, Inc., to become general manager of Leo Feist, Inc., has again popped up in music publishing circles. Link also again makes stout denial of any such move. Before leaving for the Coast Jack Robbins is reported to have offered the post of Feist professional manager to Link, with proviso also that he can bring over Nick Kenny, songwriter and columnist for the N. Y. Mirror. Jonie Taps, professional head of Shapiro, Bernstein & Co., got a similar nod from Robbins but turned down the proposition.

British Performing Rights Society has reached an all-time high for the number of licenses issued to places of entertainment in the British Isles. License holders amount to over 40,000.

Arthur Norris and Ernie Smith wrote 'Do It the Lambeth Way' for publication by Davis & Swegler.

'Have a Heart,' ditty clefted by Mickey Rooney and Sidney Miller, will be published by Berlin.

Cy Feuer and William Lava turned in the score of 'Orphans of the Street' at Republic.

Sam Pokras and Walter Bullock wrote 'Viola' for Don Ameche in 'The Three Musketeers' at 20th-Fox.

Mordkin Ballet Tuned Up for 1939 Season; More New York Dates

Mordkin Ballet, which recently played a six-performance engagement at the Alvin, N. Y., has been brought back to town for minor reorganization and a series of repeat New York dates. Switch in plans resulted from the outfit's click in its first Broadway appearance this season.

Actual dates for the repeat appearances are expected to be Jan. 8 and the three succeeding Sunday nights at a theatre to be selected. Improbable that any new productions will be offered at this time, but the ballets given during the previous date will be slightly revised and tightened. Also possible some minor cast changes will be made.

Mordkin troupe may embark on a tour this spring, but the main idea of the New York dates, both the previous ones and the forthcoming series, is to provide a buildup for a projected nationwide tour next season. Ballet was completely reorganized this season.

A Smash Musical Success Brings You Three Big Hits!

Sung and played by that hot trumpet playing favorite—LOUIS ARMSTRONG

JEEPERS CREEPERS
by Harry WARREN & Johnny MERCER

Presented in the inimitable style of the mistress of swing—MAXINE SULLIVAN
SAY IT WITH A KISS
by Harry WARREN & Johnny MERCER

The sensational nursery novelty offered by Dick POWELL, Maxine SULLIVAN and Louis ARMSTRONG
MUTINY IN THE NURSERY
by Johnny MERCER

You'll hear them all in the WITMARK BLDG. N. Y.

"GOING PLACES"

with **DICK POWELL**

ANITA LOUISE • RONALD REAGAN • ALLEN JENKINS • WALTER CATLETT • HAROLD HUBER • LOUIS ARMSTRONG • MAXINE SULLIVAN

Directed by RAY ENRIGHT

M. WITMARK & SONS, RCA Bldg. New York • Norman Foley, Prof. Manager

THE HOUSE OF 1000 HITS

Presents

WHAT DO YOU KNOW ABOUT LOVE

FORGET IF YOU CAN

Watch Out For
AMONG THOSE SAILING
and
PEPITO AND HIS VIOLIN

as well as new announcements in this space every week.

EDWARD B. MARKS

OLD SONG SUGGESTIONS
FOR YOUR PROGRAMS
JIMMY McHUGH'S

"With All My Heart"
LEO FEIST, INC.

LARGEST and best dance ballroom in St. Louis is available for lease or sale.
Write ELLIOTT S. MILLER, 317 N. 11th St., St. Louis, Mo.

COLLEGE RHYTHM

The third of a series of articles on collegiate likes and dislikes as regards modern dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

VANDERBILT

By Emmett O'Callaghan, '39

(Vanderbilt 'Masquerader')

Though not exactly in the heart of Dixie or on the banks of the historic Mississippi, Vanderbilt's proud towers do rise in the warm southern sun surrounded by the lushness of wooded Tennessee, close onto the banks of the Cumberland which finally terminates at the Mississippi. So Vanderbilt is simply showing her southern blood and reflecting the culture of the warmhearted south when she proves herself to be fond of gay music and dancing.

And believe us she is. It may be small but the social heart of this school beats mightily. There are dances and functions sufficient to wear many a good man down to nothing. There isn't a single room in any frat house but has its radio moaning low most of the time. Especially during those long night hours when Sammy Kaye and Freddy Martin are mixed with 'The Principles of Banking' and 'The History of Civilization.' The dances and proms are as steady and continual as water dripping from a leaky faucet.

It might not be out of place here to say a few words about the local situation. Vanderbilt is located in Nashville, a city of about 150,000 which does not support night spots large enough to present other than hometown talent. The best orchestra in Nashville or anywhere near Nashville is Francis Craig's. Craig plays at a downtown hotel, at all the larger frat and sorority affairs and at Belle Meade Country Club. We are very fond of our boy Francis. He is a graduate of Vanderbilt and has written several tunes, including his theme, 'Red Rose.'

Kay Kyser Encored

For our Junior Prom which comes in March and the Finals in June we don't have a very large field to pick from as we have to select from the bands that will be in this section of the country at that time; that is in Chattanooga or Knoxville, Memphis or Birmingham. Not that we would take anything after it had been in Knoxville, because God knows we don't want any part of anything that came from the University of Tennessee. In the last four years the only band which has been honored with an encore or second appearance at Vanderbilt has been Kay Kyser. He played the Finals two years straight by popular demand.

Other bands that have appeared here included Jan Garber, Jimmy Dorsey, Will Osborne, Gus Arnheim, Joe Sanders, Johnny Kemp, Al Katz and Don Bestor. Of these Garber was probably the best liked, both because of the band's sweet music and the vocalists, and because of little Jan's showmanship. Jimmy Dorsey's music was plenty good though hard to dance too at times. When Dorsey played 'It's the Dreamer in Me' for us, it was practically the first time we had heard it and it was mighty, mighty easy to listen to. Arnheim's drummer held our attention; he almost tore the place apart in some of his more frenzied interludes. Don Bestor didn't go across so hot. His music was OK but his personality too cold.

Other bands that have played in Nashville include Dick Jurgens who was quite a hit, Ted Weems and Jimmy Rogers. Also Barney Rapp, with his delightful way of moving from slow tunes into fast ones and vice versa, without stopping, and his very melodic theme.

As to the bands that haven't appeared here in recent years we are acquainted with them only by the radio. Right near the first we have to name is Tommy Dorsey. There's a band and there's another swell theme. Anyone who hears that trombone and doesn't stand enraptured ain't human. Dorsey doesn't waste a note. Some of his arrangements are classics. His 'Song of India,' to begin with, and following that with 'Marie,' as the band is singing that '...petting in the park, living in a great big way, Mammy' background. And then the rather similar arrangements of 'Who' and 'I'll Dream Tonight' ('Goodnight, Goodnight, Goodnight'). Later his recording of 'Night and Day,' Golly, that's wonderful! Especially the first of it. Some of Tommy's arrangements are too hot and hard to listen to, as for instance 'Stop Beating Around the Mulberry Bush.' They wear us out.

Right along side of Dorsey, Hal Kemp. Not for any particular arrangements though, of course, his 'Got a Date With an Angel' and 'Study in Brown' are swell, but for his style of warmly romantic music.

And Benny Goodman—King of Swing—for his pulsating, almost physical music. Goodman can really swing; there's nothing very subtle about his music unless it's his trio.

And Russ Morgan. There's another excellent musician. When Morgan plays a tune it really turns out—each note, each instrument just right. At least that's the way it sounds to us and we don't know one note about music. His recording of 'Linger Awhile' and 'Stumblin', both on the same platter, is something to rave about. His rendition of 'So Help Me' will set you to writing poetry it's so pretty.

In general, Vanderbilt likes its music not too hot or, more precisely, not too eccentric. It must remain easy and natural, flowing and casual, and not be stretched all out of shape with so many variations and interpolations and so much jamming that you can't even recognize what the original tune is, or was, or might possibly have been. It must keep its melody, its lightness and gracefulness. After all, we're dancing to it. And southerners still love to dance—would rather dance than eat. Those colorful dances and pleasurable times pictured in the first pages of 'Gone With the Wind' are brought to mind by some of Vanderbilt's dances.

(Next week: Vassar)

GUILD CHARGES NBC, CBS EXERCISE MONOPOLY IN CONCERT BOOKINGS

RACE CASE DISMISSED

Colored Lawyer Testifies He Bought the Ballroom Admissions

Two suits involving the Civil Rights Law against the Brooklyn (Roseland, N. Y.), public ballroom, were dismissed in Municipal Court, N. Y., last week. Actions were filed by two colored girls, who each demanded \$500 damages alleging the management of the ballroom had refused them admission. Management of the ballroom made offers to settle which were refused. Trial jury decided against the pair when their attorney, also colored, admitted that he had obtained admission to the dance palace.

BAND BOOKINGS

Artie Shaw, Strand theatre, N. Y., Feb. 3.

Joe Venuti, Chase hotel, St. Louis, Nov. 25, one week.

Irving Margraf Trio, Congress hotel, Chicago, Nov. 22, four weeks.

Ran Wilde, Hofbrau, San Diego, Cal., Dec. 1, five weeks.

Jack Marshall, Statler hotel, Detroit, Dec. 6.

Frank Gagen, De Witt Clinton hotel, Albany, N. Y., Dec. 28.

Happy Felton, Sherman hotel, Chicago, Nov. 29.

Joe Reichman, Nicolet hotel, Minneapolis, Dec. 3.

Anson Weeks, Aragon ballroom, Chicago, Nov. 7.

Griff Williams, Trianon ballroom, Chicago, Dec. 24.

Bob Crosby, Chicago theatre, Chicago, Nov. 25.

George Hamilton, Statler hotel, Cleveland, Dec. 13.

'We Two,' strollers, Statler hotel, Boston, Nov. 21.

Joseph Sudy stays at Sir Francis Drake hotel, San Francisco, 'till Jan. 1 via extension.

At Kaye extended at New Penn Club, Pittsburgh, until Feb. 1.

Leon Mojica current at El Patio, San Francisco.

Sophisticates, Ft. Hayes hotel, Columbus, O., Dec. 3; Floridians, Orlando hotel, Decatur, Ill., Nov. 24; Embassy Four, Gibson hotel, Cincinnati, Nov. 25.

Curt Houck extended at Radisson hotel, Minneapolis, until Dec. 10.

On the Upbeat

Red French, Solly LaPerche, Tommy Tarshis and Klorman Schmidt, have joined Happy Felton's reorganized band in Philly.

Johnny Meklas, No. 1 tenor sax with Tommy Carlyn outfit at Balconade, Pittsburgh, has quit to join Harry Candullo outfit, with Salvatore Batties replacing him.

Wanda and Her Escorts lifted at Hotel Henry, Pittsburgh, until Dec. 1 when they go to Hotel Statler in St. Louis for indefinite engagement.

Ray Herbeck off on tour of one-nights following 10-week stand at Willows, Pittsburgh, which has closed for season. Returns to town Dec. 9 for run at Bill Green's Casino after Earl Mellen outfit checks out.

Lawrence Welk winds up 13-week stay at William Penn Hotel's Chatterbox, Pittsburgh, Dec. 30.

Sammy Kaye band will be the 'Band of the Week' on Ray Perkins' program on WOR Dec. 4.

Gene Krupa's picture for Paramount will be labeled 'Some Like It Hot,' switched from 'Jitterbugs Sometimes Swing.' Bob Hope and Shirley Ross will be featured.

Enoch Light set for Taft Hotel, N. Y., Grill until next spring. George Hall had been reported as returning.

Jimmie Lunceford orchestra bowed out of the Kit Kat Club, east side New York spot, last week, and will replace Eddie DeLange at the re-

Precipitate, Bad Feeling by Belated Demand for Chance to Testify Before FCC—Sour Echoes to Menuhin Incident

Washington, Nov. 22.

Charges that NBC and CBS have 'together acquired monopolistic control' of the concert management business hurled last week by the American Guild of Musical Artists, Inc., in a plea to present evidence at the FCC investigation of alleged monopolistic practices in the radio industry. NBC performers range from 'concert artists to three goats for a buck beer party,' anguished AGMA, in a petition submitted to the FCC.

The monopoly has not only restrained competition among radio stations for the services of the artists, the guild insisted, 'but has resulted in great injustice to the artists, who have been left with no practical alternative than to submit to management by CBS or NBC and/or through controlled companies.'

By purchase and consolidation of a vast majority of the then independent managers, NBC, Inc., and CBS, Inc., have acquired (directly or through subsidiaries) a monopolistic stranglehold on the services of concert and opera stars whose appearances on radio are essential to the radio industry, with the result that competition for the services of these artists has been stifled.

Negotiations Called Off

As a result of AGMA's intervention in the FCC hearings, negotiations with the two major concert bureaus, Columbia Concerts Corp. and NBC Artists Service, have been broken off. Concert officials have charged the union with 'breach of faith' in intervening in the hearings, while AGMA execs say they notified both managements of their in-

tention of taking such action unless the negotiations produced definite result.

With the breaking off of negotiations, AGMA is expected to request the Screen Actors Guild to refuse to grant agency licenses to Columbia Concerts or NBC Artists Service, thereby preventing them from operating as agents of film talent. SAG is expected to okay request, since it has already indicated that one of its requirements for granting an agency license to any applicant will be that it observe the rules of all SAG affiliates. Both SAG and AGMA are members of the Associated Actors and Artists of America, the American Federation of Labor international union of all performers in show business.

Meanwhile, AGMA's relations with the Los Angeles symphony orchestra are unsettled. Union has notified the management that it is willing to let the matter drop if three conditions are met. Two of the stipulations are that the management must assume full blame for Yehudi Menuhin's recent appearance with the orchestra in violation of its Guildship contract with AGMA and must promise that in future the contract will be carried out to the letter. Third requirement is that the management must reimburse AGMA for its expenses in meeting the situation brought about by Menuhin's appearance. Understood the Los Angeles outfit is ready to carry out the first two points but is balking at the third.

If all three stipulations are not carried out, AGMA is threatening to boycott all future Southern California Symphony Assn. (which manages the Los Angeles orchestra) appearances. (Continued on page 52)

Feist-First!

Five Star Song Hits!

A Hit Parade Story in Song

★ AN OLD CURIOSITY SHOP

By Sam Coslow, Abner Silver and Guy Wood

The Year's Biggest Torch Ballad

★ WHO BLEW OUT THE FLAME?

By Mitchell Parish and Sammy Fain

Honolulu's No. 1 Song Hit

★ A SONG OF OLD HAWAII

By Gordon Beecher and Johnny Noble

A Distinctive Novelty—Bigger Than "Josephine"

★ ANNABELLE

By Wayne King, Burke Bliven and Mitchell Parish

From the M-G-M Picture "The Great Waltz"

★ ONE DAY WHEN WE WERE YOUNG

By Oscar Hammerstein II and Johann Strauss II

Leo Feist inc.

157 BROADWAY • NEW YORK

OPENING
AT
BILTMORE HOTEL
NEW YORK
TOMORROW NIGHT
THURSDAY
PHIL SPITALNY
AND HIS
ALL GIRL
ORCHESTRA

Lowdown on New York Niteries, With Chart of Operating Set-Ups, Prepared by Benton & Bowles

To give operators of nite clubs throughout America the lowdown on leading establishments in Manhattan, a unique job of research has just been completed and issued in brochure form by Benton & Bowles advertising agency. It's a stunt for Calvert whiskey. It bears the title "Inside Facts." Survey was made six months ago.

Data includes capacities, average business done (by the number of patrons; not in money receipts), and other policies followed. Exceptional for its factual nature the brochure reveals these facts (the only shortcoming being the absence of support tariffs, which constitute the most lucrative income to most of the class rooms catering to so-called cafe society):

STORE CLUB

Rent—\$8,000 annually; concession, \$12,000.
Food—\$2.50 to \$3.50, table d'hôte.
Entertainment—Two bands, \$1,500 weekly.

Employees—42 waiters, 13 captains, 10 bus boys, six cooks, six hat-check girls, two outside doormen, three inside doormen, two page boys, four washroom attendants, 10 barmen.
Capacity—250; overflow, 50; bar, 50.
Weekly average—8,000 customers.

RAINBOW ROOM

Rent—Owner-operated concessions, Food—\$3.50 dinner.
Entertainment—Orchestra, sophisticated specialties.
Employees—247; 28 cooks, one chef, five pastry cooks, three butchers, five vegetable cooks, nine pantrymen, five kitchen men, 100 waiters, 11 captains, 14 bus boys, 13 barmen, 53 dishwashers.

Capacity—350; no bar.
Weekly average—4,800.
LE COQ ROUGE
Rent—\$14,000 annually. Concessions leased.
Food—Luncheon, \$1.25; dinner, \$2.50.

Entertainment—Six-piece orchestra; Hawaiian trio.
Employees—20 waiters, three captains, six bus boys, four barmen, 14 kitchen help, two doormen, six coat-room attendants.
Capacity—120; overflow, 75 up stairs; bar 40.
Weekly average—1,800.

SAVOY PLAZA CAFE LOUNGE
Food—Entirely a la carte. Prices reasonable.
Entertainment—Six-piece orchestra; name entertainer.
Employees—One maitre d'hôtel, five head waiters, 30-40 waiters, six bus boys, two hat-check girls.
Capacity—150; bar 20.
Weekly average—2,500.

VERSAILLES
Rent—Undisclosed. Spot cost \$150,000 set up. Concessions leased.
Food—Entirely a la carte. Dinner expensive. Luncheon, \$1.10-1.75.
Entertainment—Three bands, \$1,900 weekly.
Employees—Varies between 127-145. Payroll, \$11,000 monthly.
Capacity—350; bar 50.
Weekly average—3,900.

LARUE
Rent—Concessions leased out.
Food—Entirely a la carte; expensive. After 11 p.m. prices rise.
Entertainment—Two bands; singer. Never formal floor show.
Employees—One head waiter, five captains, 16 waiters, one chef, nine cooks.

Capacity—175; bar 50.
Weekly average—1,250.

LEON AND EDDIE'S

Rent—\$15,000 annually.
Food—\$2.00 to \$3.50, a la carte and table d'hôte.
Entertainment—Two bands; floor show of six acts.
Employees—Three shifts of waiters, 34 men in each; eight captains, 10 bus boys, seven dishwashers, two chefs, 12 assistant chefs, eight barmen, six hatcheckers, two washroom attendants.
Capacity—380; bar 30.
Weekly average—4,000.

CASA MANANA

Rent—Undisclosed. Spot represents an overall investment of \$2,000,000.
Food—\$2.00 to \$4.75-table d'hôte. No a la carte at dinner.

Entertainment—Two bands. Pretentious floor show.
Employees—Varies between 108 and 125 waiters, 15 captains, kitchen crew of 60.
Capacity—1,250; bar, 200.
Weekly average—12,000.

EL MOROCCO

Rent—\$12,000 annually. All concessions leased to one individual.
Food—Accommodation rather than figure. Entirely a la carte; expensive.

Entertainment—Two bands. Cost one quarter of week's nut.
Employees—Four captains, 20 waiters, five bus boys, two hatcheck girls, one cigar girl, two page boys, two doormen, three comfort room attendants.
Capacity—175; overflow 75; bar 50.
Weekly average—3,800.

MARGUERITE

Rent: Leased independently from N. Y. Central Railroad which also owns Marguerite hotel. Concessions run by hotel.
Food—Luncheon \$1.75; dinner \$2.75. A la carte available.

Entertainment—None, although music was formerly used at cocktails and dinner and may be used again when business warms up.
Employees—Average four captains, 18-20 waiters, four bus boys, five barmen, two barboys, one chef, one assistant chef 14 cooks. Varies greatly with season due to summer garden.
Capacity—125 restaurant; 175 garden; 2 bars 60.
Weekly average—1,000 winter; 1,400 summer.

ONIX

Rent—Undisclosed. Concessions not leased out.
Food—Entirely a la carte. Limited number dishes available. Prices fairly expensive.
Employees—Three captains, seven waiters, five kitchen help, three bartenders, two bus boys, two hatcheck girls, one doorman.
Capacity—165; bar 65.
Weekly average—1,800.

PARADISE

Rent—Undisclosed.
Food—\$1.50 to \$3.25 table d'hôte. A la carte available.
Entertainment—Two bands. Pretentious floor show.
Employees—176 in all, including orchestra, stage crew, electricians, page boys, doorman, bartenders, kitchen crew, cashiers, bookkeepers, auditors, chorus, actors-actresses, wardrobe mistresses, cleaning staff, check room staff, head waiter, captains, bus boys, waiters, banquet

manager, press dept., manager, producer.
Capacity—1,000; bar 50.
Weekly average—7,000.

COLONY CLUB
Rent—\$10,000 annually plus 7% of gross. Concession not leased.
Food—Entirely a la carte. Elaborate and fabulously expensive.
Entertainment—None at any time.
Employees—Two-owner-head waiters, one head waiter, six captains, 20 waiters, eight bus boys, one chef, one assistant chef, assistant staff of 29, seven dishwashers, one cellar steward, one dining room steward.
Capacity—300; bar 60.
Weekly average—1,400.

15 YEARS AGO (From VARIETY and Clipper)

There were 55 shows on B'way, new top for the season. Biz looking up.

Frank Crumit held over at the N. Y. Palace from the preceding week and built up his hit. Did only 12 minutes, which helped to leave them hungry. Nora Bayes was topper and Jack Denny band and York and King the only other well known in a three-hour show which included no dancing act.

Three men show toppers at the N. Y. Riverside; Donald Brian, Bruce Bairnsfather and Tom Smith. Brian was one of the few legit who realized what vaude wanted.

Jean Acker, at the 5th Av. billing herself as Mrs. Rudolph Valentino the first. Dolores Costello, Charles Ahern had shelved the bicycles at last and featuring his hobo band.

Pert Kelton, the dancer, at Keith's Boston, and holding her end up. Her dad batoned the orch and her mother did a cornet bit.

Chi Palace had two men and five women, most of the latter in the fapper class. Florence Walton, Juliet and Vera Michalena the top women.

U. S. Supreme Court found for the plaintiff, Charles G. Binderup, of Omaha, in the first top decision in a restraint of trade case. Held as far-reaching.

Wall Street growing cold toward film promotions. Several gyp propositions iced the enthusiasm.

Picture theatres around N. Y. were letting song pluggers tout their songs at 'Song Writers Festivals' one night a week.

Ethel Barrymore flopped in 'The Royal Pandango.' She planned to go out later in 'The Laughing Lady.'

House of Lords ruled against the English Performing Rights Society. Temporary victory for the variety theatres.

Dance places around N. Y. were utilizing vaude layouts to pull more biz on off nights. Acts appreciated the coin.

Big time raiding the small time for comedy acts. Had shortage and smallies got promoted.

St. Louis pic house building biz with a weekly ankle wrestle. Women stood behind a drop raised just enough to show off the pedals. Four prizes weekly.

Galli-Curel in a jam with Chi Op. They wanted her to open in 'Lakme.' She no wanna.

De Wolf Hopper opera co blew up in Kansas City after five weeks of a 10-week season. Artists and chorus paid, but not the rent.

KELLY TOURS PHILLY CAFES FOR AFA PACTS

Philadelphia, Nov. 22.
Failure of niteries here to sign up in a bloc with the American Federation of Actors for a closed shop started Tom Kelly, local AFA rep, on a tour of niteries to obtain individual contracts. Kelly several weeks ago began going after the joints singly, but stopped after he was told the majority of places would join voluntarily.

With promise bogging down, however, Kelly is again going after them in person. AFA, with which old United Entertainers' Assn. recently combined, now has over 300 members here.

NEW ACTS

ELEANORE WHITNEY

Dancing
5 Mins.
Paramount, N. Y.
Eleanore Whitney, from pictures, is doing a routine of two dances on her stage engagement here. An agile rhythmic tap and a shag novelty, both neatly done, score for her very satisfactorily. Routine excellent but the routines not sensational.
Miss Whitney is spotted early and makes a smart appearance in a black costume.
Char.

BEA WAIN

Singing
10 Mins.
Paramount, N. Y.
Soloist carried by the Larry Clinton swing band, Bea Wain is a radio find whose future possibilities with Clinton appear excellent. Well equipped with looks and personality, Miss Wain is also a singer of no mean ability who can do swing as well as ballads. A very clear voice and effective selling are assets. She's been on the air on her own before she allied with Clinton.
Miss Wain's routine consists of a swiny pop of not such late date; 'My Reverie,' sung straight as a ballad and 'Martha' fitted to a unique swing style.
Char.

BUDDY CLARK

Singing
12 Mins.
Paramount, N. Y.
Buddy Clark is from radio, having been on the Lucky Strike 'Hit Parade' and also on Mutual in a series for this city outfit. He has a very fine voice and excellent diction but doesn't put enough selling into his singing. Clark's appearance good, however. He's been here before, and in pictures; this is printed for the record as Varsity's New Act files finds him missing.
Doing four numbers here, among them 'Ain't Necessarily So,' which due to its length would make a routine of three songs sufficient. The Gershwin number from 'Porgy and Bess' is sold best by Clark. Others are recent pops.
Clark registered well when caught.
Char.

JANS AND LYNTON Co. (1)

Dance
10 Mins.; Three
Loew's State, New York
Jans-Lynton and the Co.' are so equally divided in their chores it's difficult to identify Frank Brooks with the stellar pair. Brooks, solo, does an assortment of rumba, tango, waltz and straightaway tango. The couple work formally and informally, featuring an eccentric 'rag doll' number in the latter category. Otherwise, it's polite stepping, running from ballroom to eccentric.
Trio open at the State and make a consistently fine impression throughout their 10 minutes.
Abel.

JOE RINES Orch (11), with FRAZEE SISTERS (2) and the Rug Cutters (4)

Variety
25 Mins.; Full
Loew's State, New York
This is Joe Rines' first stage date of any importance, although he's been around in class niteries, hotels, etc., most recently playing all summer stop the Hotel St. Regis' Viennese Roof, New York, where Prince Serge Obolensky introduced the Lambeth Walk. Thus, Rines is getting Lambeth Walk billing. Maestro makes mention of it, although it would be rather even a shade better if he emphasized that the St. Regis is where Gertrude Lawrence and Obolensky first introduced the English dance-step. Basically, Rines has a strong stage act. He knows how to mix it up, and embellished by the Frazee Sisters (2) with their sock vocalizing, plus a shag-dancing quartet for the finale, it holds plenty.
The Frazees look better than ever, their arrangements and style elevating plenty of skull-practice. The sisters well tie tie it up here.
Rines' team is a versatile 11, exclu-

sive of himself, including three brass, three reeds, two strings, piano, drums, string bass. Rines also toots a mean clarinet on occasion.

His takeoff on Lombardo, King, Fields and Goodman; his 'A-Tisket' on a world tour, with special nationalistic orchestral touches, and the rest of it, are all commercial.
The Rug Cutters (4), shagsters, finale with their jitterbugging, and a little Lambeth Walking, which is where Rines heralds his connection with the dance. Rines, incidentally, is slated for the new Harry Richmond niterie in Midway, Delmonico hotel around mid-December. Abel.

BUD HARRIS and LOWELL HOWELL Co. (2)

Comedy, Songs, Dance
17 Mins.; One and Two
Loew's State, New York
This is a versatile colored team. Bud Harris, vet of other comedy turns, doing a strong funny entry. He's skillfully foiled by Lowell Howell. Latter is in tails and affects a 'polite' stance, including a trick top tenor.
Their crossfire runs the usual formula of silly putdowns, Harris milking all the points to excellent advantage. Howell's first solo is 'Music Maestro.' Then comes Zerita, comely femme, who ultimately presides at the piano for Harris' parody on 'A-Tisket.' Young Tommy Wain is brought on for a legmania topper-offer, following the leading pair's 'Ti-Pi-Tin' nonsense.
Good comedy act for anybody's rostrum.
Abel.

DICK FORAN

Songs
7 Mins.
Earle, Philly.
Warbling cowpuncher from the films (his home is in Flamingo, N. J.) is making his first p.a. in more than five years. Skedded for several more weeks, but whether he'll be able to take them depends on pie commitments. Makes well appearance; tall, handsome and sandy haired, with a kind of shy manner that's somewhat expected in an old cowboy and goes over almost sure-fire with the female trade. Long time, however, since he's been on the boards makes him somewhat stiff, awkward and nervous, which he should handily overcome with time.
Pipes are of a refined cowboy tenor variety, and Egan starts off in character with 'My Little Buckaroo.' Switches for his second into 'Night and Day,' and winds up with 'Mellow Baby.' Good in them all, although exhibiting nothing socko. Would do better, too, to do a little gassing to strengthen the p.a. idea. Too much now like just a crooner with the band.
Herb.

BOB CROSBY ORCHESTRA (15)

With Marion Mann, Burns & Minnie
50 Mins.; Full
Chicago, Chi
Always a good name since his start in the band business, Bob Crosby has hopped into even greater orchestra prominence in recent months, due primarily to the great buildup given him in the Blackhawk cafe in Chicago. With splendid publicity and press handling, in addition to his regular ride over the powerful WGN hookup, Crosby today rates as a real attraction, particularly for the young swing addicts.
Prom and frat mob will have to be strapped down to keep 'em from shagging up and down the aisles, while the adults will probably go along to see what all the shootin' for. Entire Crosby is swingeroo, and as long as swing's the rule, Crosby is playable anywhere.

Basically, the regular aggregate work of the orchestra, there are split sequences. Eight of the band step off the stand to line the footlights as the Bob-Cats, for extra swingeroo. Four of 'em later group for more jiving and for the finale, the drummer and the bass player couple for strictly rhythm thumping. Funny some and some take off some extra.
(Continued on page 43)

OPENING
AT
BILTMORE HOTEL
NEW YORK
TOMORROW NIGHT
THURSDAY
PHIL SPITALNY
AND HIS
ALL GIRL ORCHESTRA

LONDON—HERE WE COME
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WB Threatens to Close Earle, Philly, in Music Union Row

Philadelphia, Nov. 22. Earle, giant Philly vaudeville, whose jitterbugs have virtually become an institution here, will be shuttered Dec. 1 by the Warners, unless agreement is reached with the Musicians' Local on new contracts for all its houses using tooters. Terms for the Earle, Fox, and five other name houses using vaude two or three days a week, expire Dec. 1. Dismissal notices were sent to most Earle employees last week.

Battle is actually over the pit band at the Fox, which is a relic of the days when the house played vaude. Now that it is a straight flicker palace, WB claims it has no more use for an orch and wants to get rid of it. But the musicians say nix. Their threat, as usual, is that if the Fox band goes out they'll pull the music from the Earle. Vaude is a necessity at the Earle to make it show a profit.

Whereupon the Warners announced shutting of the house before the Union could even pull its gun. Several meetings have been held on the situation and a compromise may still possibly be worked out before the deadline, although both sides are adamant. Final confab is sked for tomorrow (Wednesday) between local A. F. M. execs and Joe Barhardt, Warner Bros. theatre head.

Compromise offer has already been made by Warners, but the Union refuses to accept it and the circuit declares it will refuse to go farther. It has offered a payroll of \$1,000 a week for music at the Fox in place of the present pad of \$1,690. House uses 15 men at \$70 a week and 20 overtime men at \$30.

Union feels that WB is only making an idle threat, but is preparing to picket all Warner houses in event the Earle is actually closed. General opinion is that the circuit won't let the \$300-seat vaudeville gather dust for \$700 a week difference. There is also a feeling that WB will not want to put itself on front pages now when it is under attack in monopoly investigation both in Philly and Washington.

In a similar situation two years ago, Earle went straight picketer for more than a month while pickets paraded in front of it and other houses. Was found to be unprofitable, however, and the tooters got their demands.

MICH. WOULD PUNISH KIDS BUYING RUM

Detroit, Nov. 22. Believing it unfair to penalize liquor licensees only, State Liquor Commissioner Vernon F. Gormley is urging an ordinance to permit punishment of juves found in niteries.

Practice in past has been only to suspend rum license of spots, in event juve was found to have bought drinks. New setup would give authorities power to seize a youth as well as file charges against the proprietor.

3 Sentenced in Detroit For Booking Dancer, 13

Detroit, Nov. 22. Fines of \$100 each, with alternative of prison terms, were meted out last week to Leo Curtiss, of Curtiss Booking Co., and Harold Brown, of Amus Booking Co., after the two agents had been convicted of booking a juve terper in local niteries in 'violation' of state labor laws. Pair had pleaded not guilty. Previously, Charles Burns, of Michigan Vaudeville Co., had pleaded guilty to the charges and was placed on two years' probation. Recorder's Judge Arthur E. Gordon, who gave Curtiss a sentence of \$100 fine or 30 days and Brown a fine of \$100 or 90 days, deplored the booking of the femme dancer, 13, in local spots for several months, and called on state liquor board to suspend licenses of spots using the youngster.

TYSON'S A. A. ENCORE

Pitt P.A. Signs with Resort Showmen to Head Beauty Pageant

Pittsburgh, Nov. 22. George Tyson, publicity chief for Harris Amus. Co., has just signed with Atlantic City Showmen's Jubilee committee to direct annual beauty pageant in 1939 for the third successive year. As in past, Tyson will take four-month leave of absence from theatre duties here.

Affixed his name to a new contract following meeting with committee at seashore over weekend. Tyson also reserves privilege of signing next 'Miss America' to exclusive management contract, just as he has with previous three No. 1 beauties. Currently, he is booking Marilyn Mesek, latest winner, in niteries and theatres.

EARL CARROLL, INT'L CASINO EXCHANGE?

Deal being worked out between the International Casino, N. Y., and the soon-to-prem Earl Carroll's theatre-restaurant in Hollywood, may form a show-rotating circuit starting next May. Both sides are interested, the New York end waiting only for a look at Carroll's show before definitely committing. By May, Carroll's show will have been running four months which is to be the regular run before being shipped east on a three-per-year basis. It opens Xmas night.

Clifford C. Fischer's productions meantime are set to alternate with the London Casino. Fischer is due in from London tomorrow (Thursday).

Probable that Mark Leddy will book acts in the east for Carroll. Line of 12 Gertrude Hoffman girls and 20 showgirls will go west to join Carroll, who left last Friday (11) for the Coast. Ray Kavanagh's band will play for the show while Ray Noble's band will supply dance music. Spot is getting a seven night weekly National Broadcasting wire. Show will rehearse at one of the idle Warner Bros. studios until spot is ready, Miss Hoffman to help stage it.

Carroll sold subscriptions at \$1,000 apiece to film notables who will wine and dine in a super-exclusive side room, thus eliminating rubbing elbows with the mob. Yearly membership stunt permits viewing show from a guarded section of first several rows in the main room and exclusivity of a 'back room.' Vic Bernez is handling the restaurant assignment.

Biz having taken a drop at the International, the banking interests in the place did some radical choping in the past week. Notably, the dinner show now also plays for supper, so that two different revues no longer obtain. That has curtailed some five or six acts and other salaries. Other readjustments may occur when Fischer returns from London this week.

Hollywood, Nov. 22. Ray Noble's band has been set for Earl Carroll's theatre-restaurant, opening Christmas night. A rhumba or marimba crew will alternate with the Noble outfit.

Harrison and Fisher, ballroom dancers from the east, also on tap.

McGrath's New Job

Philadelphia, Nov. 22. Joe McGrath, former operator of the Club Seville in the Stephen Girard Hotel here, has been named manager of the Anchorage by Arthur H. Padula, who owns that spot as well as the Arcadia-International. McGrath has been banquet manager of the Arcadia for the past two months. Before that he was with the Bellevue-Stratford, Philadelphia, and the Drake, Chicago.

Greenwich Village, B'way Cafes in Fair Bally Tieup

When Grover Whalen summoned the niteries owners last week to set a Jan. 1 teeoff for the 1939 New York World's Fair, with a gala Times' Square celebration, Barney Gallant took great exception to the idea of restricting it to midtown.

Net result is that Gallant, a Village boniface, will head a No. 2 niterie ballyho for the Fair, confined to Greenwich Village in whose behalf Gallant raised the objections.

Bus Firm Appeals 12½¢ Award for Injuries To Trained Bear in Crash

Albany, Nov. 22. The Appellate Division heard arguments here last week as to whether Teddy, claimed to be world's only boxing bear and formerly in vaudeville and outdoor show business, could not do his act as result of injuries suffered in a collision near Highland, New York, between a Greyhound bus and a truck owned by George A. Hamid Enterprises, Inc. Bruin had been riding in the latter with his owners, Willie and Gustave Waldorf, of Cliffside Park, New Jersey.

The brothers obtained a verdict which, with interest, amounts to \$12,597.22 for loss of the bear's services. Gustave Waldorf was awarded a little more than \$5,000 for his injuries and Hamid Enterprises, Inc., about \$300 for damages to truck. Greyhound Lines and Donald Tulett, made co-defendant as driver of bus, appealed on grounds awards were excessive.

Since the accident the Waldorfs claim, Teddy had been vicious and can't be made to do his act, which is said to have netted them \$350 weekly, plus transportation. Hamid imported the act from Berlin in June, 1937.

Appellants' counsel argued that even admitting the bear now refuses to do certain tricks, it probably has reverted to its original wild animal state and that man cannot determine the reason for such reversion. 'Being wild in nature, the possibility all ways existed it would return to its original condition, become wild again, and thus put an end to the act,' he said.

NVA MOVE STALLED BY TROTSKY LEASE

Ben Trotsky, operating catering concession space in the Sharon hotel (nee National Variety Artists' Club), New York, has a two-year lease on the property which was reported to have been negotiated for by the NVA.

Possible that the NVA may yet move back into its original quarters when Trotsky's ticket expires, but both the NVA and the hotel operators, who are interested in making a deal, must await Trotsky's exit.

2 Acts Forced to Quit Cleve. Cafe Due to Illness

Cleveland, Nov. 22. Jinx hit two acts at Statler here in one week. Anita Boyer, vocalist with Dick Barrie's orchestra in hotel's Terrace Room, was stricken with appendicitis and had to be rushed by plane to Cincinnati hospital for an emergency operation. Carol Page, from WTAM, pinch-hitting during her illness.

Grace and Ray McDonald also had to cancel last week in the Statler spot because of male dancer's ailing foot. Although he broke it recently and it hadn't completely recovered, McDonald tried to fill local engagement. After a week of pain, doctor told him he'd never dance again unless he gave it a long rest, so dancer is checking into a New York hospital. Harris and Shore brought in to replace team.

Miller's New Setup

Title of the Artists Syndicate of America, Inc., has been changed to the William C. Miller Agency. Artists Syndicate, formerly composed of Miller, Lester Lee, and Matty Rosen. Exit of the latter two was responsible for the switch. Miller is assisted by Dave Jonas. Agency represents Charles Morrison in the east, latter currently booking on the Coast.

TA to Oppose 'Good-Will' Dates At Hotels as a Slap at Benefit Control

PHILLY'S EQUALITY

Femme Bands, M.C.s In the Vogue in Quaker-Town, Formerly a Rarity

Philadelphia, Nov. 22. New wrinkle in Philadelphia niteries is development of both all-femme bands and femme m.c.s. Whereas gal orchestras used to be a distinct novelty here, there are at least three feminine aggregations current in spots here. Yacht Club has Kitty Helming's orchestra. Open Door, Viola Klain and the Viking, Jerry Delmar's band. All are local and have worked at numerous joints around town.

Femme m.c.'s another rarity not so long ago, have also come into their own, holding down jobs in three spots. There's Beth Calvert at the Village Barn, Beth Challin, practically a fixture at the Evergreen Casino, and Eleanor Landy, at the Cafe Morroney.

MOSS IN AGENT PARLEY OVER NEW BILL

Working in close harmony with the organized and licensed agents in New York, License Commissioner Parsons will call a meeting of agents next week for them to discuss his new bill affecting theatrical employment. Proposed statute has been worked on by all interested agent bodies. Moss will present the bill in January to the State legislature. New bill divorces it from other general agency classifications. He failed to disclose contents.

Commish claims to have 225 agents licensed; there were less 100 last year. Says he will shortly make test cases of those still outside the pale. This time, he has concrete evidence that will stand up in court, he says. Previous trials were notable failures. Moss will also continue after lecture, concert and motion agencies in his drive.

Moss said early this year that drive would end in May but he has extended the expiration several times. Some progress has been made in organizing agents and in their licensing, but nothing has been done yet regarding changes in laws affecting them. Entertainment managers Assn. has stated that unless stronger measures are taken against agents still unlicensed and unless law meets with its approval, it will ask Mayor LaGuardia for action and present its own bill in Albany.

The Artists Representatives and Agents Assn., N. Y., one of groups working with Moss since it was organized last spring, will also meet within a fortnight so its members can ratify constitution and code of ethics drawn up by Louis P. Randall, attorney acting for body.

Pa. Agents Seek Legislation

Philadelphia, Nov. 22. Attempt will be made by the Entertainment Managers' Assn., booker group of Eastern Pennsylvania and Pittsburgh to obtain legislation specifically applicable to agents when the legislature convenes in January. Florence Bernard, prez of the local group, declared yesterday (Monday). (Continued on page 43)

High Wharfage Kayos River Dance Steamers

New Orleans, Nov. 22. Appearing before a meeting of the dock board Thursday (17), Captain Roy Streckfus, of Streckfus Steamers, Inc., operators of the river dance steamers President, Capitol and J. S., urged the board to abandon its increased wharfage fee against the company's boats docking at the Canal street pier. His plea was taken under advisement by the board. The board increased the wharfage rate from \$10 to \$50 per day recently. On Nov. 1, the line discontinued operations here after more than a quarter of a century.

Theatre Authority will soon take action against major booking offices that have allegedly been supplying one-night club date acts for cuffio hotel entertainments and sometimes at union minimums in order to gain good will of inns for future bookings. Method of bookers is to step in on affairs at hotels and frequently offer couple of their acts free. It's just a variation of the old 'audition' or 'favor' gag, says TA, and hinders its benefit control.

TA states it has evidence that it will present to heads of couple of well-known agencies since it has failed in its pleas to underlings. These 'benefit' acts sometimes augment a paid show, which, under TA rules means that all should be paid. This would also mean that TA would not get its 15% take required of all benefits.

Agents are said to be using many ruses, one of which is to pay 'name' performers the American Federation of Actors minimum of \$10 to protect themselves. Acts who would ordinarily command 10 times that amount for an appearance are high pressured into accepting the \$10. They even try squeezing acts into another booker's show in effort to impress hotel account.

TA states that it has evidence to show that where one of New York's leading hotels paid \$700 for an employees' ball last year, same outfit had a better show this year for only \$50, minus music. While also opposed to the 'Celebrity Nights' gimmick in niteries, TA states that that's a matter for the actor unions and not controllable by TA although also regarded as an abuse of talent.

HENIE'S \$100,000 IN HOUSTON IN 8 DAYS

Houston, Nov. 22. Houston's records for show business were smashed by the Sonja Henie Hollywood Ice Revue which played to 120,000 during an eight-day engagement at the new Coliseum. The show grossed \$100,000 according to William H. Burke, general manager. Expenses amounted to approximately \$75,000. The greater part of the expense was the building of an ice plant in the Coliseum and installing boxes and tiers of seats on the floor.

The revue, a novelty for Houston, where there is never enough natural ice for skating, caught on quickly. For six of the eight nights the show played to capacity.

The troupe, which is traveling in a special train consisting of three baggage cars, four Pullmans and a diner, left Sunday for St. Louis, where it opens today (Tuesday).

Denies Murray Dancers Curbs Pro Employment

Pittsburgh, Nov. 22. Recent charge that the questing on hotel floors by Arthur Murray dancers was cutting down employment for bona fide ballroom teams was hotly denied here last week by Charles O'Connor, in charge of local Murray studio. O'Connor claimed, if anything, practice was opening up new vistas for performers since Murray spec. Q.C. dancers are going into locations where there has previously been no entertainment.

Pointed out that Biltmore hotel, Providence, had never used entertainment previous to appearance there of Murray instructors and that now spot employs dance teams regularly. O'Connor, likewise, mentioned William H. Burke's Chatterbox here, where he and Margaret Trusty are appearing nightly as trailer for their newly-opened dance studio. Chatterbox hasn't had any floor performers for two years and O'Connor insists that he and his Murray partner are whetting appetite for entertainment and hotel may be forced in future to resume shows.

POSTPONE TALENT AUDITIONS

Philadelphia, Nov. 22. First 'talent' burn night by members of the Entertainment Managers' Assn., booker unit, was postponed from Sunday (20) until January because of election of officers. EMA had originally planned to get together at the Sylvania hotel and provide a pianist for any acts who wanted to give auditions.

Abbott-Costello In AFA Squabble On Membership

A squabble involving Abbott and Costello, comedy team on the air with Kate Smith, and now also doing a p.a. personal at Billy Rose's Casa Manana, New York, involving the interchangeability rule of the Four A's, is set to wind up before next sitting of the latter's international board. Started with the demand of an American Federation of Actors rep that the pair pay the \$10 initiation fee to join the AFA.

Comedy team is in good standing of the Burlesque Artists Assn. and refused to pay an initiation fee to the AFA on those grounds. They argued they were willing to pay three months dues as of Oct. 1 since they have been under the jurisdiction of an organization of which they were not members, but that's as far as they would go.

Charles Mosconi, the AFA rep threatened to force the pair out of the Casa Friday night, but desisted when ordered to do nothing until the l.b. convenes, by Frank Gilmore, Four A's proxy.

ASCAP Friendlier to Cafe Group, Philly, Key to Goal

Philadelphia, Nov. 22. A more friendly attitude toward the recently formed Night Club Owners' Assn. of Philadelphia by the American Society of Composers, Authors and Publishers has been the cafe group's most significant step upward, to date, according to Stanley Carroll, proprietor of the Yacht Club and prez of the group.

NCOA was organized principally to get what it considered should be a more equitable deal from the performing rights society. It's also acting as a clearing house for waiters, bartenders and talent. Any help caught out of line will be flagged before another position is obtained. Likewise, agents who attempt to peddle oversold acts by changing acts' names.

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'BOYS TOWN' UNIT SET FOR 4 WKS. AT \$7,500

Chicago, Nov. 22. 'Boys Town Revue,' which opened to big business at the Tower, Kansas City, this week, has been set for four weeks with additional time to follow.

Comes into the RKO Palace here Dec. 2, and Fox, Detroit; Stanley, Pittsburgh, and Keith's, Cleveland, on successive weeks. Additional time will carry along eastern seaboard. Price reported to be \$7,500 weekly.

Bookers of the large vaude circuits last week gandered the 'Boys Town' unit now playing a week at the Tower, Kansas City. Bill Howard, RKO; Nat Kalchheim, Paramount; Harry Mayer, Warners; Sidney Elmont, Loew's, and Harry Kalmine, WB rep. in Pittsburgh, gave it a o.o.

AED DEFIES AFA NIX; SETS ACT CONTRACTS

Associated Entertainment Directors of New York will defy the nix of the American Federation of Actors and will go ahead with signing club date acts to contracts. AFA's decision was not official, says AED. AED says it's a means of maintaining salary standards while the Entertainment Managers Assn. and AFA claim it's throttling other bookers with acts being used as footballs.

AED believes AFA cannot properly police the club date business and that it doesn't control many club date acts anyway. AED feels that the union cannot demand that its members refuse work offered by any group, particularly a group like AED, which is said to control 65% of the club date business in N. Y. Some of better acts agree that figures quoted by AED are correct, but then declare that they wouldn't want to hurt their chances with the EMA booking group, from which AED members recently split to form their own group.

AED claims that if refused AFA members it will use non-union performers. Understood that the EMA is considering a similar plan to buck possibility of acts signing with the AED, a move that would make acts unacceptable to EMA members.

Stipulation from State Unemployment Bureau in Albany last week that club date bureaus are employers and not agents has taken on a new interpretation. First regarded as a bookkeeping headache, it's now seen as a means to definitely classify agents, bureaus and managers.

Nitery Placements

Julie Ballaw warbling at Sardi's, Hollywood, replacing Gwen Louise. Viola Vona, recently with Eddie Cantor, moved into Jim Otto's, Los Angeles.

'Unfair' Booking Of FTP Acts Seen Stopped in Philly

Philadelphia, Nov. 22.

Agents who complained several months ago about the Federal Theatre Project underselling vaude and dance band units in competition with commercial acts and orchestras declared here this week that the practice has now been stopped.

FTP denied that it ever peddled the agencies anything but a small colored unit, consisting of five boys and five girls for specialties. There was no complaint paid agents for booking the unit, all profit for the 10 performers necessarily coming from employers. White units were never offered and never competed with private enterprise, FTP execs declared.

Some of the bookers, however, claim they have written offers and witnesses that they were offered a 12-piece white band and a vaude troupe of 14 people for pay far lower than the union scale. Alleged rep of the FTP, who is said to have peddled the unit to various agents, offered them the whole works, for \$100 and indicated he would take less if necessary. Agents said the price included a show to run 75 minutes and a band to play for three hours of dancing. Any agent buying the show at \$100, it was said, could make another \$100 for himself and still undersell anyone in town. Most of them laid off, however, for fear of getting involved with the performer unions.

Both the United Entertainers' Assn. and the tooters' local started investigations of the FTP following complaints of the Entertainment Managers' Assn., Philly booker group. They declared their members couldn't and wouldn't compete with FTP talent. FTP execs said members of the project could take occasional outside jobs, but no regular work without being removed from the rolls.

N. Y. EMA in Protest

Entertainment Managers Assn. of New York has written to Harry L. Hopkins, national WPA administrator, and N. Y. Federal Theatre Project administrators to complain of alleged booking of club date shows by the FTP in direct and unfair competition with commercial bookers. Hopkins has replied that matter will be investigated.

EMA has also investigated report that the National Variety Artists booked shows, but is satisfied the rumor is not true.

Saranac Lake

By Happy Benway

Roy Carman, Ruth MacTernan, Mrs. J. M. Lindolf, Rose MacTernan, Mrs. Fred Esslinger, all of New York, opted their own at the Will Rogers.

Ben Schaffer and Sam Putnam had birthdays.

Carl Kern had his first downtown visit after his bed siege.

Edna Ball, Waynesboro, Va., former cashier of the Cavalier theatre there, is a newcomer at the Rogers. Ditto Grace McDonald, ex-dancer. Both under observation.

A nifty comeback for Lillian Kohler, who's now on exercise. Patricia Wallace, nightclub dancer and new arrival at the Rogers, already progressing.

Eddie Dowd, comic and hooper, downtown after a year in bed.

Out-of-towners holding up nicely: Frisco DeVere, Scarsdale; N. Y.; Bobby Hatz, Brooklyn; Joseph Vaughney, Denver; Ford Raymond, Los Angeles; Bobby Graham, Toronto; Hank Hearn, N. Y.; Tommy Vicks, Boston; Betty Huntington, N. Y.; John Dempsey, Boston; Ruth Hatch, Summit, N. J.; Gertrude Broderick, Jackson Heights, N. Y.; Jackie Roberts (Cook), Brooklyn. All formerly in NVA.

Mark Vance sitting up. Dick Moore has reached his 10th year here.

McGushion Twins, nitery entertainers, visiting the Rogers.

Francis Diamond (Four Diamonds) in comeback at the Rogers. (Write to those who are ill.)

Night Club Reviews

EL CHICO, N. Y.

Paquita Dominguez, Dorita & Valero, Maclopa, R., Senorita Paloma, Los Calveras (3), Don Alberto Orch.

New winter show at this No. 1 Spanish spot in Greater New York now that a flock of rumba and Latin joints all over town have come, gone or are still in the field, manifestly anew just why Benito Collada has maintained such high parity. He seemingly combs all the Latin markets for new talent, with result the current lineup of five acts, plus the holdoverable Don Alberto orchestra, continues to draw.

Paquita Dominguez, for instance, is an import from Malaga (Spain), a gypsy songstress with flamenco numbers. Senorita Paloma is from Brazil, expounder of the samba, which is now the newest import into the States, in the hope of making it rival the rumba and conga. Miss Paloma also does tango chansons and in general fills the vocal department well.

Los Calveras, male trio with guitars, are of the strolling troubadours genera, featuring the ranchera type numbers. Maclopa Ruz is back here after two years of engagements with the Metopera ballet, Paris, Buenos Aires and for Paramount on the Coast in 'Tropic Holiday,' Spanish classical dancer is standout.

Dorita and Valero are holdovers with their ballroomology interspersed with flamenco songs of Andalusia. All combine in a Malagan type finale.

Withal it's a painstakingly assembled assortment of Spanish-Mexican-South American talents which Collada has assembled, garnishing it with sufficient Yankee flavor for American audience values. Abel.

Hawaiian Blue Room (HOTEL ROOSEVELT, N. O.)

New Orleans, Nov. 20. Florence & Alvarez, Six Jitterbugs, Doris Mae, McNally Sisters, Jane Clair, Clyde Lucas Orch.

Clyde Lucas orchestra proves that it can deliver. From kickoff to final whistle, the band clicks, backing the show well and also playing smoothly for dancing. Lucas balances well while his seven-violin concert arrangement of 'Star Dust' goes over big.

Floor bill is topped by Florence and Alvarez, with their splendid ballroom dancing. Pair are holdovers. The Six Jitterbugs, local college kids, get a flock of encores.

Doris Mae, vibrabop honey, tosses in a tap and some pleasing personality to click. The McNally Sisters are winners with their songs and dance, while Jane Clair's tunes also get over.

Liuzzi.

CHEZ MAURICE (MONTREAL)

Montreal, Nov. 18. Rachel Carley, Magda & Billy Branch Co. (5), Gil & Bernie Maison, Bill Hubert, Hartley house orch, Line (12).

This show tops this town and is rating good biz. Topbilling is Rachel Carley, who's off the bill every Saturday night until Monday to meet radio engagement in 'Manhattan Merry-Go-Round' program emanating from New York. She's smash and has to beg off from an audience that eats up her French songs.

Gal line of eight, plus four showgirls, has the fans warmed up from the start, being snappy lookers. Costumes are smart and routines are

nice in line with the general French air of the show.

Bill Hubert m.c.s adequately and has good light baritone that gets him plenty palm-patting. Gil and Bernie Maison haven't much else French except the surname. They stomp in their opening and then bring on three dogs for a clever training act that gets them by well.

The finale is the Magda-Branch troupe, three men and two gals, who put on an Apache dance that's a high spot. With knife-throwing and twirling with drawn knives, it's dangerous. Magda took a cut that put her out temporarily Friday (18). Act is swift and well timed. Whole show combines well and builds up to a first-class finish.

Lane.

MOULIN ROUGE (PARIS)

Paris, Nov. 10. Albert Lasry Orch (12), Lys Gauty.

Appearing in same house where her first film is premiering, Lys Gauty still, pulls the French listeners, although her songs would be just ordinary in America.

Backed by Albert Lasry's orchestra, she does six numbers, with two being taken from the film, 'La Goulueuse,' 'Happiness Has Entered My Heart,' the picture's theme, and 'Dile-Moi, Journe!' ('Tell Me, Why') are put over much better from the stage than they are in the picture. An old hit, 'Bretout du Port,' is still liked as is 'Presque rien,' also an oldtimer.

Lasry's orch (12) is on the small side. One long spell, called a potpourri of 1900 music modernized, is only ordinary with neither the 1900 nor the 1938 brand of music being distinguishable. Most of Miss Gauty's accompaniment is piano only but when entire unit swings into tune blast nearly drowns out song.

Hugo.

Neal Plea for New Trial In Attack on Wife Denied

Detroit, Nov. 22.

Bid for new trial by Edgar C. Neal, ex-police censor recently sentenced to one-to-four years in prison for shooting at his estranged wife, was denied last week by Recorder's Judge Edward J. Jeffries. Mrs. Neal, a former burley performer, was uninjured.

Neal's attorney later filed petition for a stay of proceedings while he prepares appeal to state supreme court. Appeal will be based on affidavit by Detective Sergeant Lee O'Neal, one of the arresting officers, that he had not been allowed to give material testimony at the trial.

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Western Theatre Rep., SAM ROBERTS

MINOR and ROOT

EL RIO, NEW YORK, BEGINNING NOVEMBER 24. Ted Friend, N. Y. Mirror, says: "...the Samba, brought from Brazil by Minor and Root, seems to be taking the country in a big way. At the Hotel Ambassador, dancers Minor and Root jointly with Senor Jorge Coste-Lait, Brazilian Consul, participated in an exhibition of the Samba to help introduce society to the dance. Thus making it diplomatically official!"

WITHOUT EXCEPTION

NAN BLAKSTONE HAS BROKEN ALL RECORDS PREVIOUSLY ESTABLISHED BY ANY OTHER ARTIST AT THE COLONY CLUB, CHICAGO

MADGE KELLY, Hollywood, Calif., Personal Manager

New Acts

(Continued from page 40)

cellent work, with the dust particularly rating for novelty wallowing. Marion Mann is the singer, and she does a trifle better on the slower numbers than the swing. Her quiet personality is somewhat forced when attempting the vocal truckin'. Crosby is also handling warbling duties here and there, and takes the jumps passably, but is disappointingly lacking in punch. He is also letting the waistband expand; laying off the potatoes for awhile would be a good idea.

Carried with the orchestra are a dance pair, Burns and Minnie, who quickly give the audience the bit of shagging they were expecting, and then shift off immediately to a hot hooding and tapping session, backed up in great style by the orchestra. Burns does particularly effective audience stuff with his tapping sequence, accompanied only by the drum.

JANE BRYAN
4 Mins.; Full
Strand, New York

Jane Bryan is one of a host of Hollywood players who make their vaudeville bids without much to warrant their p.a.s. Miss Bryan, when the current show first went into the Strand couple of weeks ago, made a one-nighter at the opening, but now she's in for the final (third) week, along with Al Donohue's orchestra and the film, 'Brother Rat' (WB), in which she's featured.

There's nothing more to the act than a conversation between her and Donohue relevant to her supposed thrill in being in New York. Donohue doesn't get much of a chance to get in a word as Miss Bryan rambles on and on and says little. The audience Friday night (18) didn't go for it.

Miss Bryan was impressed into service when Hugh Herbert had to dash back to the Coast for a film assignment.

LORETTA LEE
Songs
6 Mins.
Roxy, N. Y.

Loretta Lee was featured vocalist with the Lucky Strike Hit Parade via CBS two seasons ago, has made numerous other guest shots, some film shorts, and personal appearances during 1936-37. This backlog of experience is, of course, a big

help in her stage work, preventing among other things an attempt at building a phoney personality.

Blonde miss goes through her chores in workmanlike fashion. Her voice is fine for pop work, nicely modulated and plenty of power to spare. Starts out easily here with 'What Goes on Here in My Heart?' switching into 'My Reverie,' and winds up with a version of 'Tiger Rag.' While the 'Tiger Rag' thing represents no shining originality at programming, it can be excused on the grounds of showoff piece.

Appearance of Miss Lee is becoming, and her gowning is simple, but effective. Caliber of her work stamps her as plenty fit for nitery work, either solo or with an orchestra.

MAZZONE and ABBOTT (5)
Apache Flash
10 Mins.
Roxy, N. Y.

Fites, whose nothing under 'Mazzone,' although Abbott combos appear in great numbers. This act, however, either as is or by its component parts, has plenty of practice. The dance themes themselves and the tattered Apache garb are standard. But the payoff is based on violence and mayhem of a type not often seen.

Four girls and a man comprise personnel, one of the girls taking a male role throughout. The rough stuff starts off at the very beginning when a blonde gal is bodily thrown across half the stage, then topples off a stairs at a considerable altitude. The next victim gets such a brutal banging around that it appears incredible that she should have a square inch of skin left intact. Man winds up the business by getting a chair wrapped around his head and falling down the stairs into a barrel, furniture, etc., all of which is completely smashed.

An act of this type needs plenty of room to give the full effect. Cramped nitery quarters might be a handicap, though perhaps suitable modifications could be worked out. Otherwise this quintet has finish and adroitness in its violent work and a great deal of speed.

STEEL SISTERS (3)
Singing
4 Mins.
Skeley, Pittsburgh

Latest additions to Horace Heidt outfit, replacing the 3 Kings, are promising kids, but still need plenty of polish. Steels were plucked by Heidt from a Wheeling, W. Va., radio station's steel program, and vocally should have no trouble fitting in. They seem ill at ease otherwise, however, quite natural since this is a first time for them on the stage, and try too hard. Only one of them, the center sister, relaxes sufficiently, and incidentally she has possibilities as a comedienne.

Steels are nice-appearing youngsters, attractively gowning in blue satin, without having an abundance of it. At present, they're doing only one number on their own, but are worked into several other routines with rest of the gang. Heidt's apparently bringing them along slowly, and they should work out all right once kids learn how to handle themselves naturally.

Agent's Motion Denied In Lost % Suit Vs. Singer

Suit brought by Taps, Inc., against Frances McCoy, vaude and nitery singer, to collect \$241 in commissions allegedly due the agent, was settled in New York last week. Decision favoring Miss McCoy was returned in Municipal Court, New York, Oct. 17, but attorney for Taps moved to have the ruling set aside, which was denied Wednesday (18). Taps contended commissions were due him after Miss McCoy had breached a contract by going to Chicago to work for agents Slish & Tyrell. Judge McNulty ruled Taps had first broken the agreement by failing to comply with a minimum engagement clause. A suit for \$10,000 for allegedly inducing Miss McCoy to breach her contract with Taps is pending in Chicago against Slish & Tyrell.

After the decision, another suit against Miss McCoy, based on the same grounds, was instituted by Taps in Bronx County Court. Michael Halperin, attorney for Miss McCoy, has moved to have this dismissed on the grounds that the Municipal Court's decision should also hold good in the Bronx Court.

PHILLY NITERY OPENS; ONE FOLDS

Philadelphia, Nov. 22. Philadelphia's nitery balance sheet last week showed one opened and one closed. Unveiled under a new tag by Herbie Frank was the former 21 Club. It's now known as El Chico Rancho.

Frank last was a partner in the 1214 Club, which died last week. Spot had a late opening this season with Negro talent, soon changed to okay, but to no avail. The 21 Club's operators have been enjoined by U. S. district court here from using that tag. Judge George A. Welsh ruled that the moniker is the exclusive property of the Murray Hill Restaurant Corp., New York, operators of N. Y.'s 21 Club.

Kansas City, Nov. 22. Joe Reichman's orch came in from the Coast to reopen the remodelled Terrace Grill of the Hotel Muehlebach Friday (18). Grill's reopening was sold out two days in advance. Collette and Barry, dance team, are also on the bill.

Reichman replaced Lang Thompson's crew, which had held stand-out for four weeks previous to remodeling.

Chop Suey Legit

A Chinese legit theatre, in combo theatre-restaurant style, will open soon on the site of the recently shuttered Mandarin at Seventh avenue and 52d street. Chinese plays, retaining the Far East aura, will be put on in a room separate from the main dining layout, but will combine the theatre-dinner idea.

Moss' Bill

(Continued from page 41)

Law, which was supposed to have gone into effect Sept. 1, 1937, following a campaign by the Philadelphia Inquirer against chiseling agents, was just a bluff, she said.

Principal provision of the law was for licensing and bonding of all agents in order to rid the state of curbstone bookers and wildcats from other cities. This was never enforced, Miss Bernard said. Pressure from big out-of-state bookers, who, under the law, would have been required to get a Pennsy license and establish offices here, or work through an agent, also was responsible for law's failure to work out.

Bookers now operate under a 1929 act regulating all employment agencies, which specifically alludes to them in only about two lines. Miss Bernard said a new law applying to theatrical and club booking agents alone would be asked, with plenty of teeth to keep the agents on a legal basis.

Indpls. Theatre Returns to Vaude Dec. 2 With Gypsy Rose Lee Unit

Indianapolis, Nov. 22. Indiana theatre, 3,100-seat deluxe, goes into an intermittent stage show policy Dec. 2, with Gypsy Rose Lee's unit breaking the ice.

House had a try at flesh last spring when Tom Devine, manager of the Indiana Roof Ballroom, took a flier for six weeks, with unfortunate results at the boxoffice.

Theatre is now under banner of Katz-Dölle, 'who have utilized Circle theatre for stage shows on previous occasions.

Philly House Reopens Thurs.
Philadelphia, Nov. 22.

Understood set to shut out on Christmas Day, Nixon's Grand announced it will open with colored vaude Thursday (24). First booking is Ethel Waters with her own revue, NBC's 'Four Ink Spots' and Jesse Stone's orchestra. Pic is 'Swing That Cheer.'

Lincoln theatre, reported set to open Thanksgiving Day (24), also with colored vaude, is apparently stymied.

Pittsburgh, Nov. 22. Jerry Mayhall has been named conductor of orchestra at Harris circuit's second downtown first-runner, the Senator, which opens Thursday (24) under fluctuating policy of vaude and straight pictures. Get-away bill will have only John Boles in personal and orchestra.

Unable to work out satisfactory deal with Local 60 of Musicians Union, the Senator, formerly Loew's Aldine, will put \$15 above regular scale in escrow for each musician every week, money returning to theatre if it uses house crew more than 25 weeks during the year. Same agreement prevailed at other Harris downtown spot, Alvin, during that site's presentation spurge couple of years ago. Mayhall was also the maestro there.

Hardly likely that the Senator will stick to flesh regularly, using it merely on occasion to bolster weak pictures. Idea is to take pictures that click at parent Alvin for extended runs, same as Warners currently does with the Penn and Warner. Otherwise, house will use duals and vaudlin, with Alvin of course getting pick of Harris first-run product.

Senator is No. 21 in new Harris circuit, houses having all been acquired in last five years following sale of original chain to WB in 1929. At that time, deal included

proviso that Harrises weren't to re-enter theatre biz again before 1934.

Troy House Gets Vaude

Troy, N. Y., Nov. 22. Proctor's Troy, a Fabian house, which dropped stage shows last February for straight films, reopened with flesh Friday (18) in booking Blackstone, the magician.

Latter had played Proctor's, Schenectady, a Fabian stand that added vaudeville early in the fall.

DeRidder, La., Nov. 22. Realar, newly opened 900-seater, becomes another vaudliner in Dixie.

Flesh will be a permanent policy after Dec. 3, according to W. S. Samuell.

Franklin Hotel, Philly, Adopts Name Band Policy

Philadelphia, Nov. 22. Benjamin Franklin Hotel here will install name bands in its main dining room end of next month. Samuel Earley, managing director of the hostelry, largest in Philadelphia, has been to New York several times in the past few weeks attempting to line up the music. Town is pretty much devoid of name bands, only other nitery using them being the Arcadia-International occasionally.

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HOWARD**
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ALDONAHUE**

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NEXT WEEK, Nov. 25, STANLEY, PITTSBURGH
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AMERICA'S SMARTEST THEATRE RESTAURANT

au Remos and his midgets. In muscular and contortion feats maximized by daring balancing, w one of the midgets playing a xylophone high atop a pole balanced Remos on his shoulder while t ther hangs suspended from t pole.

Tiny Judy Starr burns 'em with her vocal interpretations of 'Gentle to Havana.' The Devil a Deep Blue Sea' and 'A-Tisket or its finish, band has a novel rearrangement of 'Nice Work If You Can Get It' that hasn't quite enough.

Base.

Numerals in connection with bills below indicate opening day of show, whether full or split week

London

oria D. H. | Milson Sis

Walker & Walker
Sean Gay
John Oscar
Rhythm Willie
Johnny
Ross & Butler
Sam Theard
Charles Isom
Martello Gis
Red Saunders Ore
Drake Hotel

OWN
Bros

Ittman Dancers Roberta Peggy Moore Helen Dove Bert Lund Orc Edgewater Beach Hotel	Minuet Club Minuet Gls Joy Kalise Johnny Elliot Dorothy DeHought'a Gayle Lawrence
---	--

Palace
Leslie Jeffrie
TOOTIN

ernie Green
mmy Lane
ildred Parr
ully O'Day
ackle Baker
ot Keith Gls

of November 21

4th Club
 Homer Roberts
 Stuart Barton
 Charlotte Ebert
 George Luckey
 Anthony Ball
 Frankie's Casino
 Delphia White
 Al Barber
 Edna
 Alvin
 Wm. Winters
 Alice Sis
 Ed Hardin
 Delma M. Mrand
 Casino Brusette
 Edna
 Cassius Ellsworth
 Edna Kinley
 Gay
 Rogers
 Nov 2
 The Ames Glis
 Anderson. Oro

Sime Robbins
 Wm. Winters
 Will Sharon
 Harry Braden
 Frances Kay
 Rex Grifflins
 Edna
 Clint Wright Oro
 Palmer House
 Emma Room
 Orrin Tucker Oro
 Bennie Baker
 Edna Sis
 Sextette
 Gower & Jeanne
 Jack Blair
 Beverly Allen
 Jean Florian
 Alford Dancers
 Phil Dorsey Oro
 Eudaly Club
 Fred
 Marita Ryan
 Honey Lee
 Freddie Janis Oro
 Rose Whit
 Willis Shore

La Carmelita
Nedra Mader
Sandovala

Frances Wells
 Edna Kalmus
 Eddie White
 Selma Mariows
 Jack Hilliard
 Frank Miller
 Mark Finler
 Sherman Rogers
 (George King)
 Buddy Rogers
 Dick Kissinger
 William Clifton
 Joe Murphy
 Dezzo Retter
 Pedro Ortiz
 Mike Mignone
 Tony Marks
 Carl Marx
 Prince Omar
 M. Marinas
 D. & LaFaire
 Boots McKenna
 Dome
 Tony Marks
 Spina
 Marie Sari
 Silver Cloud

Gus Martel
Terry Lawlor
Baron & Blum

ators Ore	Hazel Zalus
ed Cases	Ned Richardson
Orford	3 Tops
RI Hat	Johnny McPail Ore
Bernie	Elmer Frollice
Cheney	Vivian Han
Orchids	Joe Krachuk
Hatters	Elaine Rabe
Glenn	Roma Noble
Lamp Ore	Joe Wallace
	Fred Freeman
Hippodrome	606 Club
ory March Ore	Billy Carr
Gerard	Renz Olsen
ed Phillips	Mark Fisher Gle
Verde	Joe Casella
Virginia	Viima Jerez
ed	Ruby Bennett
Italy Banks	Sherry
ed	Yvette
ed	B & Cook
Kalmus Ore	Collette
Ivanhoe	Erwin Olsen
Sumners	Lois Cornwall
Irwin	Joel and Annette
Havillans	Edna and Brown
ed Hoffman Ore	Doris Sterling
L'Aiglon	4 Tops
ary W Kilpatrick	Ore Tripoli 3
ed	Sky Rocket
Quixote Ore	Marjorie Whitner
ed Beignolin Ore	Dorcas
ed	Mathews & Shaw
ed (Front Room)	4 Kings
Jones Jesters	B Tanks Salodons

(Continued on page 55)

ACT ON B'WAY-H'WOOD RIFT

Manager League and Equity Team To Close Loopholes in Ticket Code; Brokers Oppose Price Legislation

There has been a three-way development in the Broadway ticket situation: the League of New York Theatres, under which the code functions, is using display space in the dailies offering to refund to theatre-goers any excess of the 75c premium; Equity asking the League to name a committee to meet with its secretary and counsel to discuss ways to make it easier for patrons to secure tickets, and it's planned to introduce a measure in the New York City's Council, which would make it a misdemeanor to sell tickets at excess prices.

Ticket brokers are burning again over the League's ads because the cost comes from money paid to the League by them. At least one agency which did not sign the code is reported to have sold unstamped tickets, a violation of the federal law. The matter has been placed before the tax collector. Brokers insist it's not physically possible to adhere strictly to the stamping provisions in the admissions tax law and the code.

League which now claims the code is 90% effective, stated in the ads that public co-operation is essential to its success. Persons who buy directly at the boxoffice can secure tickets for any location if they are willing to select a date well in advance, it contends. The offer to refund, of course, is limited to possible excess charges by agencies within the code. 'Sustainable evidence,' too, is required by the League, which also is probing reports of high prices by brokers outside the code. League is concerned only with theatre tickets.

Amendment Introduced
An amendment to a city ordinance was introduced in the Council yesterday (Tuesday), however, which, if adopted, would limit the resale charge of tickets for opera and all sporting events. That was formally revealed by Councilman Howard H. Spellman at a luncheon held by the League Monday (21). License Commissioner Paul Moss, also present, has introduced in the legislature a statute which would turn over to the cities the right to license ticket agencies and thereby control the prices. (Continued on page 48)

SUSANNE JAYNE WANTS MARRIAGE ANNULLED

Susanne Jayne who appeared in the Broadway show, '50 Million Frenchmen,' asked N. Y. Supreme Court Referee John F. Cohan last week to annul her marriage to Kirk LaSelle Lucas, foster-son of Wolfert Lucas, foreign film director for Metro. The referee reserved decision. Lucas is on the Coast in pictures. He has also appeared in stage roles. The couple were married in N. Y. in 1935.

Miss Jayne told the court Lucas had informed her his first wife, known as Ocean Wave Smith, had divorced him in California. Later she learned the divorce had not been declared final at the time they were married.

Shubert Signs Hoffman

Philadelphia, Nov. 22.
r. 'Think-or-Drink' Hoffman, novelty act current at the Earle here, was linked to a term Friday (18) by J. J. Shubert for a musical skeddado into rehearsal about Jan. 1. Moniker on it hasn't been released yet.

Hoffman's act, standard in vaude and niteries, consists of producing all sorts of cocktails by pouring water into glasses and thinking of the drink you'd like to have.

Blitzstein's Play Delayed

Philadelphia, Nov. 22.
Marc Blitzstein's new play, skeddado for a New York preem shortly after the beginning of the year, has been delayed about a month by his illness. Author of 'Cradle Will Rock' returned to New York and work Saturday (19).

New play, done in the same song-drama manner as 'Cradle' is 'No for an Answer.' It has a Philadelphia background and, like Blitzstein's other work, is 'socially significant,' tracing the revolt of a college boy and girl against their parents. New show, skeddado for production, will have full orchestra, scenery and costumes, with which 'Cradle' dispensed.

'Danton's Death,' which closed Saturday (19) at the Mercury theatre, has music by Blitzstein.

Pemberton Riled Over 'Misquotes' Of Code Address

Declaring he was misquoted in a daily after addressing Equity at a meeting last Friday (18) at the Astor, New York, anent the ticket code, Brock Pemberton hinted the possibility of legal action after receiving a protest from Gustave Gerber, attorney for the Theatrical Managers, Agents and Treasurers' union, whose members were supposedly implicated by Pemberton as violating the code. For the first time since the discussion meetings started, WPA theatre project matters were neither discussed nor proposed.

Pemberton, who has advocated ticket control for years in a reply to Gerber wrote: 'Neither by direct statement or inference did I accuse any of the above named groups (ticket brokers, boxoffice staffs, house managers) of being crooks. I did say that evidence in our possession proved that certain individuals in these groups were crooked in that they were breaking their contracts in their efforts to subvert the code.' Philip Loeb, who presided at the meeting, supported Pemberton's disclaimer at a luncheon meeting Monday (21).

Producer addressed the union for a second time, following a talk by Maurice Evans, actor-manager currently in 'Hamlet' (St. James). Latter proposed an organization similar to the London Theatre Council, which would have a government official decide controversies. Evans' main complaint appears to be with the stagehands, but he did not specify. Union ruled that the deckhands receive double pay because of the overtime consumed by the full-length 'Hamlet' revival. Pemberton questioned Evans' failure to join the managerial League of New York Theatres, although he advocated a 'supercouncil.'

Margaret Webster, who staged 'Hamlet,' and Worthington Miner, new member of the Theatre Guild's board, also spoke about opposed forces in the theatre. She asked for active, organized co-operation from every element. Miner said there are too many restrictive clauses in Equity's contract, with the result that production is being stifled. Co-operation among the various forces, he said, would find the 'unions cutting each other's throats.'

Equity will be asked to consider the formation of a central casting agency which would aid experimental acting groups in addition to serving commercial purposes.

EQUITY DEPLORES LEGIT RECESSION

Actor Union Attributes
Breach Between Stage
and Screen as Cause for
Slack Since Pictures
Would Supply the Necessary
Backing to Speed
Up Production

ASKS FOR HUDDLES

Sparked by Equity, a new movement aimed to bring Hollywood financing back to Broadway has been started. Council of the association is apparently much concerned over the slack in production, volume of which is distinctly less than expected for the New York World's Fair season. Musicals have increased, as indicated prior to the season's start, but straight plays have dipped sharply after a fast start.

Equity attributes the retarding to less backing, rather than material, although it's known that some of the prolific managers have been unable to secure scripts to their liking, although anxious to put on more plays. Showmen have been urging that the Hollywood-Broadway rift be bridged for some time, and have proffered several suggestions to that end. Equity was disappointed that the situation wasn't presented more prominently during the American Theatre Council convention in September.

Ask Joint Meeting
Last week that Council adopted a resolution which may be fruitful, copies of it being sent to the League of New York Theatres and the Dramatists Guild, whose contract for authors alienated picture financing. Each was requested to call a meeting (Continued on page 49)

Now It Can Be Told: 33 St. Louisans See First Play, 'Women'

St. Louis, Nov. 22.
Thirty-three persons who witnessed their first legit play, the opening performance of 'The Women' at the American theatre Sunday (20), unanimously voted 'The Living Stage' an excellent medium of expression and entertainment.

The invitations were extended by Max Gordon, producer of the show. As a means of acquainting the younger generation with legit and in an effort to revive interest in the theatre.

Contact with those who had never before seen a stage play was made through a 'blind' ad in the personal column of the St. Louis Globe-Democrat. This burg's only A. M. daily. Gordon and Paul Beisman, manager of the American, accepted the word of those who wrote letters in answer to the ad.

Of the total guests, 25 were natives and the balance from communities in the so-called 49th state, the St. Louis trade area.

ATLANTA JUDGE OKAYS 'ROAD' AFTER PROTESTS

Atlanta, Nov. 22.
Judge E. D. Thomas of Fulton superior court last yesterday (Monday) granted a temporary injunction against Mayor Hartsfield and Police Chief Hornsby for interfering with 'Tobacco Road,' which had been ordered barred yesterday (Monday) afternoon following a special showing for censorship board. Show opened last night (Monday) as scheduled at the Erlanger, where it's booked for seven days. Judge Thomas set Friday (25) morning for hearing.

Mercury Theatre Deficit of \$15,000 Reported, Discounting Story Group Was Financially Okay; Going Ahead

Unbilled

Philadelphia, Nov. 22.
Rising curtain at 'Lightnin' at the Chestnut Street Opera House here last Saturday night (19) caught one of the grips onstage. He quickly crawled under a desk and remained crouched there during the entire first act, with his rear visible to a portion of the audience. Situation had the cast convulsed throughout the act, particularly at such lines as, 'Have you seen a strange man around here?' Fred Stone, star of the show, explained the giggles and apologized to the audience in his usual curtain speech.

Abrupt closing Saturday (19) of 'Danton's Death,' first production of the Mercury Theatre's second season, marked an interruption to the meteor-like record of the young players. Generally supposed that the group was financially secure but it's reported to have gone into the red for \$15,000. Bad business forced the play's suspension. Claim that Mercury will shortly prepare 'Five Kings' in association with the Theatre Guild. An extended tour is planned. Burgess Meredith is still being dickered for to star with Orson Welles.

Hereafter, the group will use a larger theatre, plan being to sublease its present house, which was formerly the Comedy. House was leased for five years when Mercury started last season. Rental is said to have been comparatively light.

Mercury's original backers may have lost interest in the venture, several persons of affluence having been mentioned among those who provided the financing. When the group started this season, Marcus Heiman guaranteed the salaries. Martin Beck is also interested.

In show circles it's believed that Mercury's rapid rise was the result of an over-enthusiastic press. Critics went to town over 'Julius Caesar' and 'A Shoemaker's Holiday,' revivals that called for no royalties. The shows, given in repertory, drew capacity, resulting in Mercury moving the attractions to the larger National. After several months there, attendance started to dip and 'Caesar' was returned to the Mercury, later to be switched again to the National upon 'Shoemaker's' closing. That date was curtailed, however.

Raves Puzzle Managers
Managers wondered over the critical raves at a time when the reviewers disliked a succession of more expansive productions. Groucho had control of 'The Cradle Will Rock,' originally scheduled by the WPA, but leased it to Sam H. Grisman. WPA execs had vetoed the play as being too radical. The novelty was presented at the Windsor but was not considered a financial success. It reverted to Mercury and was also shown at its theatre late last season.

Mercury was formed by Orson Welles and John Houseman, both having been connected with the WPA theatre project. They had originally readied 'Cradle' for the theatre project. Welles and Houseman were determined to show the work, an operetta type, and it was played for two weeks at the former (now Yiddish Art theatre). (Continued on page 48)

BYRON RECOVERING BUT WON'T JOIN 'LANDSCAPE'

Arthur Byron, Equity president, while convalescing from an ear infection, will not join the cast of 'American Landscape,' which opened in Boston Monday (21). Charles Waldron, who came from the Coast to fill the Byron part, was guaranteed at least four weeks. Show will open at the Cort, New York, Dec. 3.

Mary Boland East To Talk Over Stage Play

Hollywood, Nov. 22.
Mary Boland trained for New York yesterday (Monday) to fill a guest spot on the Eddie Cantor broadcast (28) and to confer with Sidney Harmon on a possible legit play.

Miss Boland recently finished in the Paramount picture, 'Two Weeks With Pay.'

Free Rehearsals Okayed by Equity For Paid Prevues

Leeway on rehearsals has been conceded by Equity and hereafter managers may add one day to the free rehearsal period for each paid preview. Rules stipulate that 28 days constitutes the free rehearsal period limit (35 days for musicals) after which players must be paid full salary. Gratis prevues are regularly counted as rehearsals but when sold to parties, the casts are paid pro rata.

Herman Shumlin, who's reading 'The Merchant of Yonkers,' has pointed out that when players receive compensation for such showings, it's not logical to include them in the rehearsal period. Equity upheld the contention. With several paid prevues of that play planned, a corresponding number of days will be allowed the producers beyond the four-week limit. 'Yonkers' is an adaptation by Thornton Wilder of an Austrian farce, 'He Will Be the Devil of a Fellow.' It's due at the Guild, N. Y., late next month. 'Ringside Seat,' which bowed there last night (Tuesday), is slated to move.

Thibaud Heads Move for Canadian Nat'l Theatre

Montreal, Nov. 22.
Joseph Thibaud, sponsor of movement for a national theatre, was chosen chairman of an organization to approach various bodies interested in a national theatre plan at a meeting held in Ottawa Thursday (17). Another session will be held shortly to draw up detailed plans for such a theatre and present them to the Canadian government with a view to state aid as well as private donations.

Mayor Stanley Lewis, of Ottawa, presided at the meeting which elected Thibaud, who said he believed the cabinet was sympathetic to the national theatre movement. The plan was endorsed by the Allied Trades and Labor Association of Ottawa and the Ottawa Housing and Planning Assn.

Gensler's B'way Play

Low Gensler has returned east looking over several shows for Broadway production. Among them is a new piece by Edwin Justus Mayer.

Gensler is understood giving up picture production for legit.

WPA Plans Shows for Frisco Expo In Opposition to Comm'l Showmen; Gov't Aids with \$5,000,000 Building

Although the Federal Theatre Project has decided not to present shows in association with commercial showmen, the situation on the Coast, where the idea of government is still subject to protest by stage unions. As reported by Frank Gillmore, head of the Associated Actors and Artists of America, upon his return from that section, WPA proposes showing at San Francisco's Golden Gate Exposition, which is regarded as opposition to commercial stage presentations.

Gillmore and other leaders of the Four A's, before their return to N. Y., conferred with the Fair's officials without satisfactory results. Harris S. D. Connick, chairman of the Golden Gate expo's entertainment committee, stated that plans for WPA shows on the fair grounds were arranged but no criticism from professional circles had been registered.

Contended that if relief shows, using a low admission charge, were presented, they would be to the detriment of shows with non-relief players, technicians and musicians. The Four A's executives were referred to George Creel, Fair executive, who said the matter was entirely up to Ole Ness, of the Coast theatre project.

Creel said that WPA shows would be shown in the federal building, the Government having allotted \$5,000,000 for such a structure, which would include a theatre. Creel was asked what would happen if the WPAers would not be regarded as satisfactory entertainment. He replied that pictures or marionettes would then be shown instead.

The Four A's officials have reported to their respective affiliated unions, which face the problem of securing favorable conditions for regular presentations.

The fairs on both coasts are subject to liberalizing conditions so far as the stage unions go, but the inclusion of WPA shows appears to be a factor not heretofore counted on.

Equity has a committee for New York's World's Fair, and officials of the latter have agreed that no legit player will be permitted to appear on shows there unless a member of the association. That virtually places all shows under the regulations of the association, but no mention of federal relief productions at the World's Fair has yet been made. Believed that the managers will protest such activity with even more vigor than when WPA invaded the Broadway theatre zone last year, and will be backed by all the stage unions.

Equity in Favor Of Experimental Theatre

Possibility of a permanent experimental theatre in New York is to be studied by Equity. Committee to investigate the subject and report back to association council was appointed yesterday (Tuesday). Winifred Lenihan is chairman and the other members include Hugh Renne, Margaret Webster, Worthington Miner and Antoinette Perry.

Idea of the experimental theatre has been advanced from time to time for years, but arose at this time from a remark made by Miss Webster during her talk at the recent discussion meeting at the Astor hotel, N. Y.

Engagements

Leslie Denison, Anthony Kemble Cooper, Betty Young, George Cottan, Ainsworth Arnold, Edwin Cushman, John McKee, Benedict MacQuarrie, Francis Swann, Marjorie Tas, "Gloriana."

Edith Melser, Van Heflin "Angela Is 22."

Frances Nabors, Herschel Gropper, Eugene Francis, Marjorie Dalton, "Glorious Morning."

Margery Abbott, Marjorie Eyre, Evelyn Gardiner, Helen Roberts, Viola Wilson, John Dean, John Audley, Darrell Fournier, Sydney Gray, Martyn Green, Leslie Rand, William Sumner, Richard Walker, "D'Oyly Carte Opera Company."

P. A. Bankrolls Yale

Puppeteers; Indef Run

Return engagement of the Yale Puppeteers Sunday (27) at the Labor Stage, New York, is bankrolled by the show's press agent, Sol Jacobson, who put up his last couple of weeks' salary as guarantee for the house rental. Presentation was given Nov. 6 at the Lyceum, N. Y., by William Doll and Bernard Hart, but was withdrawn after the single performance, when the backer, Joseph Hyman bowed out. His real was an outright pan in the New York Daily News, although other New York dailies praised the show.

Jacobson intends to continue presentation of the Puppeteers at Labor Stage for an indefinite run of Sunday nights.

'Blackbirds' In Boston Fold; But May Get New B.R.

'Blackbirds,' Lew Leslie's colored revue, came to a sudden halt in Boston last Tuesday (15) night because of bankroll trouble. Company was willing to play out the week on a cooperative basis but the next afternoon the stagehands refused to work unless their wages were put on the line.

Nate Kramer, of the Edison hotel, New York, management was the reputed backer but it's said he quit after the revue opened raggedly in the Hub. 'Blackbirds' was slated to go into the 46th Street, with the removal of 'Hellzapoppin' from that house to the Winter Garden Monday (28). Instead, 'Bachelor Born,' which moved from the Mansfield to the Morocco this week, will go into the 46th Street.

Members of 'Blackbirds' cast began returning to New York last week. There was some money for salaries and transportation on deposit with Equity but the whole company was not so protected, coin applying only to members of the association. Arrangement was made, however, whereby the balance of the company would join, if and when the show opened on Broadway.

Reported a possible opening late this week or early next week at the 44th Street, N. Y., may follow. Boris Said is reportedly coming into the venture with additional coin and the management was to put up sufficient money yesterday (Tuesday) to secure the nod from Equity.

'Know,' Danton' Quit

'You Never Know' will close at the Winter Garden, New York, Saturday (26) after playing 10 weeks. Business approximated \$15,000 weekly average, not enough for a musical of its kind. Players took a salary cut some weeks ago.

YOU NEVER KNOW

Opened Sep. 21, '38. One dissenting thought among a flock of bad ideas. Anderson (Union-American): 'Disappointing.' Watts (Herald-Tribune): 'Hardly adds distinction to the musical field.' Variety (Idee): 'A limited stay is indicated.'

'Danton's Death' was withdrawn from the Mercury Saturday (19), playing two and one-half weeks to disappointing business.

DANTON'S DEATH

Opened Nov. 2, '38. Opinions were divided. Atkinson (Times) said: 'It endows the Mercury Theatre with the same vitality it had last season.' Whipple (World-Telegram): 'It needs a student of the French Revolution to decipher it.' Variety (Hobe): 'Appears destined for a limited engagement.'

Current Road Shows

(Week of Nov. 21)

'Amphitryon/Sea Gull' (Lunt and Fontanne), Cass, Detroit.

'American Landscape,' Wilbur, Boston.

'Blossom Time,' Coc, Cincinnati, (20).

'Golden Boy' (Luther Adler-Frances Farmer), Ford's, Baltimore.

'Great Lady' (Tullio Carminati-Irene Bordoni-Norma Terris), Shubert, Boston, (22).

'A Night at Herce' (Tallulah Bankhead), National, Washington.

'T'd Rather Be Right' (George M. Cohan), Aude, Chicago.

'Idiot's Delight' (Phil Baker), Shubert, New Haven, (24-26).

'Lightnin' (Fred Stone), Chestnut St., Philadelphia.

'Of Mice and Men,' Selwyn, Chicago.

'Borrowed Time,' (Grand Opera House, Chicago).

'Pins and Needles,' Royal Alexandra, Toronto.

'Our Town,' Locust St., Philadelphia.

'Shadow and Substance' (Cedric Hardwicke), Forrest, Philadelphia.

'Carmela Ois Skinner, Paramount, Salt Lake City, (21); Aude, Spokane (23); Met, Seattle (25-26).

'Spring Meeting,' His Majesty's, Montreal.

'Susan and God' (Gertrude Lawrence), Harris, Chicago.

'Tobacco Road,' Erlanger, Atlanta.

'Tormentors,' Curran, San Francisco.

'Night Must Fall,' Shubert, Brooklyn (22).

'What A Life,' Davidson, Milwaukee, (20).

'Whiteoaks' (Ethel Barrymore), Hanna, Cleveland.

'Women,' American, St. Louis (20).

'You Can't Take It With You,' Mury Aude, Oklahoma City (23-24); Shrine Aude, Oklahoma City (25); Arcadia, Wichita (26).

Future Plays

'Finger in the Pie,' musical, with book and lyrics by Fred Finkelhoff and John Monks, Jr., has been bought by Eddie Dowling in view to a next March production.

'Linger! Linger!', comedy by George Frank and Roland Kibbee, goes into rehearsal Dec. 5 prior to scheduled Broadway opening Jan. 2. Joint auspices, Alex Yoke and George Jessel.

'The American Way,' patriotic spectacle by George S. Kaufman and Moss Hart produced by Sam H. Harris. Francis Mark and Florence Eldridge (Mrs. March) will star.

ACT On Rift

(Continued from page 47)

of their joint committee at an early date for the purpose of reconsidering the possibility of securing picture money for dramatic production and the terms upon which such investment would be made. The League and the Guild are also asked to invite Equity to one of the committee's meetings, so that it may express its ideas regarding the 'current situation.'

It's claimed that the joint committee was provided for in the agreement between the Guild and the managers, but that it has failed to function, although representatives for both sides were designated two years ago. While the League has not sought sessions of the committee, it is now expected that the playwrights' organization would readily consider entertaining the proposal if motivated by such a move as made by Equity. Latter also believes that Hollywood is equally receptive at this time.

Equity's Overtures

Equity has made overtures to other stage unions to adopt similar resolutions, since they are equally interested in the matter. Expected that the stagehands and scenic artists will follow suit in appealing to the managers and authors for action. The musicians were not contacted to act similarly because that union remained aloof from the ATC.

Equity continues to urge picture interests to make available their untapped theatres for dramatic stock presentations. It advocates a committee of legit and pictures for that purpose and suggests the appearance of stars and featured film people in such stock outfits. Reported that the suggestions were favorably commented upon in newspapers in many parts of the country. It's further argued that if the road is revived, theatres must be made available for touring shows.

Chi's ATS Femme Subscribers Slap 3 B'way Hits and So Puzzle Bookers On What's 'Nice' for Loop's Fair Sex

Delayed 'Supper'

From a rehearsal standpoint, Federal Theatre's forthcoming musical, 'Sing For Your Supper,' is the 'Eternal Road' of all legits.

Show has been in some stage of rehearsal for the past 18 months and is still not on the boards. It's been postponed, involuntarily delayed and the scene of politics since starting in July, '37.

Chicago, Nov. 22.

Turmoil among femme subscribers to American Theatre Society play season has resulted from the first three shows the ATS has brought to the subscribers this season. Squawk to 'Golden Boy,' 'Of Mice and Men' and 'Dame Nature,' all of which got good Broadway notices, are strange sidelights on what the matrons consider good and bad theatre.

'Golden Boy' did well, but the ATS met a number of yelps that the show was somehow 'communitistic' and that it wasn't pretty. This was followed by 'Of Mice and Men' bees, which lashed the play, 'disgusting,' 'revolting' and 'nauseating.'

'Of Mice and Men' averaged \$11-500, good, though about \$8,000 under capacity. Bulk of trade came from those other than ATS followers, with the men giving show its best support.

'Nature' Quit

Theatre Guild's 'Dame Nature' closed here after the two-week subscription season instead of holding over despite fact Thoda Corcoran, ATS chief here, had sold some \$2,000 in parties for the third session. Guild decided to quit rather than risk possibility of no outside trade.

Comment of femmes on 'Nature' was that they wouldn't like the show, statements being made even before they saw the play. This was advanced with advance notice and reviews which explained its story about a couple of 15-year-olds having a baby. After they had seen the show, however, the comment was surprisingly good from some femmes.

Names Cop the B.O.

Whether the above is an indictment of midwest legit tastes or merely just another situation is a matter for the booking offices and producers. Chicago and the provinces have indicated repeatedly that they have veered sharply from the axiom that the 'play's the thing' to the star system to which they have been inoculated by pictures. Chicago and the provinces crowded the theatres for Katharine Hepburn, despite her weak shows for 'Friedrich March in last season's 'Yr. Obedient Husband,' and for 'Madame Bovary,' which starred Constance Cummings, though these shows were later slapped by N. Y. critics.

Katharine Cornell, Lynn Fontanne and Alfred Lunt, Helen Hayes, etc., are also named as the 'Friedrich March' in last season's 'Yr. Obedient Husband,' and for 'Madame Bovary,' which starred Constance Cummings, though these shows were later slapped by N. Y. critics.

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NIX SUNDAY SHOWS FOR LEVENTHAL STOCK UNIT

Efforts of J. J. Leventhal, who's backing dramatic stock at Woodcliff, N. J., a town opposite New York, to secure Equity permission for Sunday shows have been unsuccessful.

Manager claimed the spot was really part of Union City, recognized by Equity as a seven-day stand. No proof that performances were ever played on the sabbath in Woodcliff, however, was proffered, the basis for Equity's decision.

Braun Sans Equity

Walter Braun, who aspires to produce a play, but who ran counter to Equity's rules in concerning such activities, says he will proceed with a non-Equity cast on a co-operative basis. He originally wrote the association that he would comply with its regulations, but then is said to have changed his mind after an argument with an Equity representative.

He's identified with activities around the Actors Kitchen in the Union Methodist church, New York.

GROUP MAY NEED 'BOY' PLAYER; SEE TOUR CUT

Philadelphia, Nov. 22.

'Golden Boy' company, now on tour, may disband following its Pittsburgh appearance week after next. Decision on whether it will continue depends on whether members of the cast are needed for rehearsals of the Group Theatre's new opus, 'Gentle People,' by Irving Shaw.

Cross-country trek opened with two weeks in Philadelphia, moved to Baltimore this stanza for a one-week, goes to Washington next week and is booked for a sesh in Pittsburgh after D. C. There are no dates following, although Walter Fried, company manager, said more would be arranged if it's found the cast isn't needed for the rehearsal.

Chorus Equity to Be Represented on Council

Chorus Equity will hereafter be represented on the council of Actors Equity, its parent organization. That decision was reached last Tuesday (Tuesday) by the association's council in passing an amendment proposed at the recent discussion meeting at the Astor hotel, N. Y.

Council will now number 55 members, of whom five will represent the chorus branch. However, the chorusers will be permitted to vote only on matters concerning their own group.

VIOLET CARLSON
as the Star of
"ROSE-MARIE"
ROYAL THEATRE
SYDNEY, AUSTRALIA

Cohan's Chi Advance Sale Hefty 50G; 'Nature,' 'Mice Fold,' 'Susan' OK 18G

Chicago, Nov. 22. Stand-out winner arrived in town last night (Monday) when George M. Cohan led 'Td Rather Be Right' into the Auditorium. Around \$50,000 advance sale for the musical.

'Dame Nature' decided to call it quits after two weeks here under the American Theatre Society subscription banner and folded, with the company returning to New York. Had originally figured for a longer stay and had sold some parts for the third week, but this was called off rather than risk a third-week operating loss.

'Of Mice and Men' is winding up its local run on Saturday (26) after a five-week stay to cross, which were on the profit side in spite of ATS femmes who found the show not quite 'nice.'

Capacity figured for 'Susan and God' for another week at least before the gross starts dropping much below the sell-out mark. Gertrude Lawrence rates the big winner of the season thus far, though George M. Cohan will challenge that during his three weeks here.

Meek entry is 'On Borrowed Time' in the Grand. Doubtful of sticking any real length in this town. Nothing yet slated to replace.

Future bookings include 'Whiteoaks' into the Selwyn on Monday (26) and the Lunt-Fontanne shows for the Erlanger on Dec. 5, with 'Amphitryon 38' slated for the two weeks of ATS subscription.

Estimates for Last Week
'Dame Nature,' Erlanger (1,400; \$2.75). Closed here after two weeks to weak trade, with only the ATS money as real revenue. Company shipped back east. Finished to \$9,000, fair enough, building on closing notice.

'Td Rather Be Right,' Auditorium (1st week) (4,000; \$3.30). Will mean a high mark for leg attractions in Chicago due to the top and the bottom seating capacity of this off-the-spot. Wow advance guarantees sensational three-week stay.

'Of Mice and Men,' Selwyn (5th and final week) (1,000; \$2.75). Despite ATS femme shrieks, there was enough outside coin around, but gross dipped to around \$8,000 last week. Making nice profits, though under expectations.

'On Borrowed Time,' Grand (3d week) (1,400; \$2.75). Meek pace despite New York rep. Selling down in the upper part of the main floor has a bleak time of it, around \$8,000 again.

'Susan and God,' Harris (6th week) (1,000; \$2.75). Finally beginning to slow up a bit and a few empty pews sprinkled around. But still great trade at not much under \$18,000.

'The Women,' Auditorium (4,000; \$1.75). Finished the six weeks locally to \$3,500. Pretty mild for a house of this size. Should do better in other towns, however, where the show is still new. Last season's showing here figured to have taken some of the edge off the repeater.

WPA
'Prologue to Glory,' Blackstone. 'The Mikado,' Great Northeast.

Torchbearers' Garners Mild \$7,000 in Frisco

San Francisco, Nov. 22. George Kelly and the Torchbearers, started a two weeks, engagement at the Curran theatre last week with Constance Collier as star. Formerly made into a hit by Rogers and Billie Burke. 'The Torchbearers' is dated, in spite of the brilliant playing of the star and an unusually nice supporting cast to have taken some of the edge off the repeater.

'Murder in the Cathedral,' one of the most important in history done by the San Francisco-Oakland Federal Theatre, is currently at the Alcazar.

Estimate for Last Week
'Torchbearers,' Curran (1,771; \$2.75) (1st wk). First Coast production of the famous satire on amateur theatricals has failed to arouse much local interest. Play is personable, directed by Kelly. Cast has Constance Collier, Clay Clement and Maude Eburne. First week lucky to get \$7,000.

WPA
'Murder in the Cathedral,' Alcazar (1,269; \$1.10) (1st wk). Bizz bit on the upside. Daniel Pennell, remembered here for his work in 'The First Legion,' playing the role of the martyred Archbishop of Canterbury.

BANKHEAD \$3,800, ATLANTA

Atlanta, Nov. 22. Tallulah Bankhead in 'I Am Different,' with a \$2.75 night and \$2.20 matinee top, did a creditable \$3,800 at three performances Tuesday and Wednesday (15) at Erlanger theatre. Star got raves, but a few were warm to play itself. Rain hurt.

Show was hooked in by Federal Theatre Project.

CORNELL QUITE GOOD 18G IN WASHINGTON

Washington, Nov. 22. Stiff panning accorded 'Herod and Marianne' by critics, who knew in advance that show was sketched to fold here, kept Katharine Cornell from usual sock gross, but personal popularity of star held it to still respectable take. Terrific advance sale was nicked plenty by refunds, although nothing like nosedive experienced by Ina Claire's 'Yankee Fable,' which came in under similar circumstances two weeks before. Another angle was fact that while critics sent smart set scurrying to the box office for refunds, word of mouth was that it wasn't as bad as expected and those that turned in pastebards were to a great extent off-set by current newcomers.

Current in Tallulah Bankhead's 'I Am Different,' with word being passed around that it, too, is due to quit before it gets to Broadway. Next week it's 'Golden Boy,' second ATS show of season. 'Pins and Needles' is slated week of Dec. 5 with 'Our Town,' third ATS offering, due Dec. 12.

Estimate for Last Week
'Herod and Marianne,' National (1,698; \$3.30). Panning by critics brought refunds. Kinder word of mouth got some of it back and personal rep. of Katharine Cornell held week to approximately \$18,000.

'SYRACUSE' HUB FINALE BIG \$20,000

Boston, Nov. 22. Number of shows beginning to thin out here after an opening of the season with a capacity flock of pieces on local boards. Last week saw 'Blackbirds,' Lew Leslie colored revue, fold suddenly during mid-week; 'Flying Ginzburgs' withdrew Saturday (19) after 10 days' tryout, with fairly bright prospects. 'Boys from Syracuse' also left Saturday, finishing up two big weeks.

'American Landscape,' by Elmer Rice, the third production of the Five Playwrights this season, made its debut Monday (21). Two other offerings on the boards, 'Great Lady,' Noel Coward musical with Beatrice Lillie, Dec. 26; 'Victoria Regina,' return date by Helen Hayes, Jan. 8; and 'Swing to the Left,' Jan. 18.

Estimates for Last Week
'Boys from Syracuse,' Shubert (1,500; \$4.00) (2d wk). George M. Cohan's musical very favorably received all around when it opened, and built up during its second stanza. Last week \$20,000, big.

'Flying Ginzburgs,' Plymouth (1,480; \$2.75) (2d wk). Roused medium enthusiasm here, taking around \$10,000 for second week. 'Blackbirds,' National (1,697; \$2.75) (2d wk, 4 performances). Never had a chance. Quit Wednesday night, after taking about \$1,500 for first half of second week.

'CAN'T TAKE IT,' 'LIFE' SPLIT \$8,000, MPLS.
Minneapolis, Nov. 22. Lyceum's first full week this season, with repeat engagement of 'You Can't Take It With You' and 'What a Life,' split the six days' brought in about \$8,200 for eight performances. Two attractions ran neck and neck at the box office.

Estimates for Last Week
'You Can't Take It With You' (Lyceum) (2,300; \$1.65). Played here for a second season, but big returns. Three nights and matinee did good \$4,200.

'What a Life' (Lyceum) (2,300; \$2.85). Helped by neat exploitation, good notices and word-of-mouth. Balcony sold out at three night performances and one matinee, but plenty of unsold seats on lower floor. Highly satisfactory, \$4,000.

Estimate for Last Week
'Blossom Time,' American (1,707; \$2.24). Garnered good \$9,000 for nine performances.

Estimate for Last Week
'Whiteoaks,' Detroit (1,500; \$2.75). Aided by good notices and Ethel Barrymore's marquee strength, play picked up nifty \$15,000 on eight performances.

Estimate for Last Week
'The Fabulous Invalid,' Broadhurst

'Great Lady' Tepid \$9,100, New Haven

New Haven, Nov. 22. 'Great Lady' finished off a five-day run here Saturday (20) with lukewarm take. Show drew so-so notice in town's only daily review, and in different word of mouth added little to box office.

Show is still being doctored and takes another week and a half prior to New York opening Dec. 1. Due to mild reception as a musical, play will be offered to Broadway as a 'biography' of (Eliza Jumbo) with music.

House has Phil Baker in 'Idiot's Delight' for current last half of this week (24-26). Futures include 'American Landscape,' Nov. 28 to 30, and Fred Stone in 'Lightnin' Dec. 2 and 3.

Estimate for Last Week
'Great Lady,' Shubert (1,800; \$3.30). Coasted along to \$9,100 on seven performances; pin money for a show of this magnitude.

LUNTS POTENT IN PITT, \$18,500

Pittsburgh, Nov. 22. The Lunts were potent in 'Amphitryon' last week at Nixon, but were little short of their previous record in most of the week. Pittsburgh rarely goes for costume plays. Subscription backing helped get attraction off to fast start.

Balcony and gallery, practically sold out, were expensive seats moving slowly. That was believed due to stiff top of \$3.30, first time an ATS show ever got that here. Schaefer's extra matinee of 'Sea Gull' called off, with Lunts figuring on splitting week between Chekhov play and 'Idiot's Delight' when they return here in April.

Nixon getting into break currently, being dark during Thanksgiving week, proverbially one of best stanzas of the season here. Reopens Monday (28) with 'Pins and Needles,' 'Golden Boy' following. Nothing definite set after that until 'Our Town' Dec. 26 and then return engagement of Helen Hayes in 'Victoria Regina' Jan. 18.

Estimate for Last Week
'Amphitryon 38' (Nixon; 2,100; \$3.30). Net \$18,500. First time for them here in most of three years; show drew raves and finished to nearly capacity after falling away in mid-week.

'RIGHT' NAILS \$20,000 IN CINCY; 38G WEEK
Cincinnati, Nov. 22. 'Blossom Time' revival, with Everett Marshall, is in for an okay take this week at the Cox. Pop scale of \$2.25 is to the show's favor in this town.

In the case of a new cliché, however, natives are not hesitant to show appreciation, as witness the sock to 'Right' during the last half of last week on George M. Cohan's 'Td Rather Be Right,' at \$3.96 top.

'Right' also played Toledo and Dayton and grossed \$38,000 on the week.

Estimate for Last Week
'Td Rather Be Right,' Taft (2,500; \$3.96). Nifty notices and talk of the return. Hit close to capacity on four performances at \$20,000.

'Blossom Time' Returns To St. Louis for Good 9G
St. Louis, Nov. 22. Although approximately 200,000 saw three one-week engagements of 'Blossom Time' at the alfresco municipal theatre in Forest Park since 1930, the piece was still good for nice coin here last week, nine performances, ending Saturday (19), just missing a five figure mark. Several members of the munny theatre cast were in the American Theatre presentation. Local crux contributed raves.

Clare Boothe's comedy, 'The Women,' shown here last winter, returned for a week's engagement Sunday (20). Advanced good.

Estimate for Last Week
'Blossom Time,' American (1,707; \$2.24). Garnered good \$9,000 for nine performances.

'Whiteoaks,' 15G, Det.
Detroit, Nov. 22. Rousing gross chalked up here last week by Ethel Barrymore's 'Whiteoaks' at the Cass. All 11 more remarkable in view of only eight performances and \$2.75 top figure mark.

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Leave It Cops B'way Leadership With \$33,000, 'Lincoln' \$21,000, 'Holiday' OK 22G; Six Newcomers

This is Broadway's busiest week of premieres so far this season, with six arrivals on six different evenings. That is unusual because heretofore there have been conflicts in debuts when that many newcomers are slated for the same week. Only one show opened last week, two others having been postponed. Top interest among the current incomers goes to the musical 'Boys from Syracuse.' Alvin.

Business stood up very well last week when 'Leave It to Me' went into the list's leadership with takings over \$35,000 at the Imperial. New musical \$35,000 may have more than one contender for gross honors, what with other arrivals and the switch of 'Hellzapoppin' from the 48th Street to the Winter Garden. Revue's scale is lower, but added lower floor capacity makes it possible to draw as much as 'Me.' 'I Married an Angel,' long the leader, is rated in third place with 'Knickerbocker Holiday' fourth, having improved to nearly \$22,000.

Among the straight shows, 'Abe Lincoln' is the stage star, \$21,000, with 'Kiss the Boys Goodbye' and 'Oscar Wilde' the runners-up. All are sell-outs. 'Hamlet' holds to excellent money. 'The Sign of the Cross' is figured to have been a factor in the lively business during the past two weeks.

Next week brings another musical, 'Great Lady,' which arrives at the Majestic after reports of improvement on the road. 'American Landscape' favorably received in Boston, is due into the Cort. 'Lorelei,' which has set sail for the Longacre and 'Soliloquy,' which tried out on the Coast, arrives at the Empire.

This is the final week for 'You Never Know,' 'Winter Garden,' 'Danton's Death,' stopped suddenly at the Mercury last Saturday.

Estimates for Last Week
'Abe Lincoln in Illinois,' Plymouth (6th week) (D-1,036; \$3.30). Front runner among the dramas maintained capacity pace all performances with takings again quoted at \$21,000.

'Bachelor Born,' Morosco (44th week) (C-961; \$3.30). Moved again; switched in from Mansfield to original spot. Grossed \$20,000. Move to the 48th Street to make way for 'Spring Meeting'; around \$5,000; cut rated.

'Boys from Syracuse,' Alvin (1st week) (M-1,357; \$4.40). Presented by George Abbott; score by Richard Rogers and Lorenz Hart; book based on 'Comedy of Errors'; well regarded out of town; night \$21,000.

'Danton's Death,' Mercury. Taken off Saturday after playing less than three weeks.

'Gloriana,' Little (1st week) (D-932; \$3.30). Presented by Theatre House, Inc.; written by Ferdinand Bruckner (Theodor Tagger); opens Friday (25).

'Morning,' Mansfield (D-1,097; \$3.30). Presented by Oscar Hammerstein in association with Michael Hillman; written by Norman Macowan; opens Saturday (26).

'Michael Hamlet' (1st week) (C-1,094; \$3.30). Presented by Jerome Mayer and Leonard Field; written by Nathaniel West and Joseph Schrank; also called 'Blow Sun Be Blown'; opens Monday.

'Hellzapoppin,' 48th Street (10th week) (R-1,375; \$3.30). Top ticket demand among musicals; another great gross around \$26,000. Moves to Winter Garden next Monday.

'I Married an Angel,' Shubert (9th week) (M-1,397; \$4.40). Has held pace very well against incoming musicals; takings around \$26,000 keeps it up among leaders.

'Kiss the Boys Goodbye,' Miller (9th week) (C-944; \$3.30). Comedy leader setting all hours will hold at the scale; takings nearly \$16,000; will reach higher level with three matinees this week.

'Leave It to Me,' Imperial (3d week) (M-1,467; \$4.40). New gross leader; first full week quoted over \$33,000 mark; would have garnered slightly more but for theatre party concession.

'Lorelei,' Longacre. Opening set back, debut slated for next week.

'Knickerbocker Holiday,' Barrymore (6th week) (M-1,096; \$4.40). Faring better than anticipated; rated in hit class with gross improving to \$22,000 last week.

'Oscar Wilde,' Fulton (7th week) (D-913; \$3.30). Commands capacity trade; stands for most performances, with the gross around \$17,000.

'Ringside Seat,' Guild (1st week) (D-914; \$3.30). Postponed opening; premiere Tuesday (28).

'The Sign of the Cross,' Belasco (1st week) (D-1,000; \$3.30). Presented by Group Theatre; written by Clifford Odets; opens Thursday (24).

'Sing Out to Me,' Music Box (9th week) (R-1,116; \$3.85). Doing fairly well, with takings further improved to \$16,500 last week; slated to move after holidays.

'The Fabulous Invalid,' Broadhurst

(7th week) (CD-1,107; \$3.85). Making some money, but room for improvement, now billed as 'cavalade of show business,' around \$14,000.

'Tobacco Road,' Forrest (25th week) (D-1,107; \$1.65). Verging close to \$5,000 weekly, and making some coin right along; may stay out the winter.

'You Never Know,' Winter Garden (10th week) (R-1,671; \$3.30). Final week; \$15,000 estimated; 'Hellzapoppin' announced to move over from 48th Street Monday.

'Victoria Regina,' (repeat) Martin Beck (8th week) (CD-1,214; \$3.30). Last four weeks announced, with some touring time following the holidays; very good at \$15,500.

'What a Life,' Biltmore (32d week) (C-691; \$3.30). Getting by with cast on sharing terms; business approximately \$5,000 again.

'Where Do We Go From Here,' Vanderbilt (2d week) (C-800; \$3.30). Drew mixed notices and fair trade after opening; lively sales in cut rates; better line this week.

'You Can't Take It With You,' Ambassador (102d week) (C-1,156; \$1.65). Long run; grosses \$21,000; still making some coin though takings have been moderate since moving here; around \$5,300 estimated.

Revival
'Hamlet,' St. James (7th week) (D-1,520; \$3.30). Full length revival attracting strongly, with business mostly at box office direct; rated around \$19,000.

Added
'Pins and Needles,' Labor Stage (52d week) (R-500; \$2.75). Trade unionists' revue figures \$6,000 weekly satisfactory, and that figure is approximated.

'The Girl from Wyoming,' American Music Hall (5th week). Night club meller getting fair attendance with performance similar to former affairs there.

WPA
'On the Rocks,' Daly's. 'The Big Blow,' Elliot.

'SHADOW' \$9,000, STONE \$6,500, PHILLY
Philadelphia, Nov. 22. There were four legit shows, not counting the W. F. A.'s 'One Third of a Nation,' on display in Philly's playhouses last week, with business generally good to middling, but in no case outstanding.

Fred Stone's revival of 'Lightnin' at the Chestnut won acclaim personally for the stars, but some dubious reports on the play's dated aspect. It will complete its two weeks here on Saturday night to profit, but not as much as hoped for.

'Shadow and Substance,' which had a short but triumphant try-out engagement here at the Chestnut last year, started a two weeks' run at the Forrest last Monday and when getting by more or less bore out the old managerial axiom that Philly doesn't take any too cordially to return engagements.

Clifford Odets' 'Golden Boy' wound up a fortnight's stay at the Locust Saturday night and could thank its profitable intake on the ATS subscription foundation. Notices here weren't as enthusiastic as in New York.

Erlanger's management was pleased that they held 'Brother Rat' for a third week at that large independently-operated house. Two-for-one except at end of the week, this comedy (a return) reported good profits.

This week's newcomers both of which opened last night are the Mask and 'Wig's 51st annual production, 'Alvin Around the Town,' the Erlanger's one show and Thornton Wilder's 'Our Town' starting a two weeks' stay at the Locust.

Estimates for Last Week
'Lightnin' (Stone) (1st week) (1,800; \$2.85). Okay but not sensational in first week. Reported \$6,500 and should equal that in final week.

'Shadow and Substance' (Forrest) (1st week) (2,000; \$2.85). Return engagement didn't meet with returns of last year's try-out, but first week was satisfactory at \$9,000.

'Golden Boy' (Lust) (2d week) (1,400; \$2.50). Lucky to have ATS subscription backing which gave it an excellent \$13,000. 'Our Town' this week.

'Brother Rat' (Erlanger) (3d week) (1,750; \$2). Two for one, except at end of week, and run here was definitely profitable with \$6,000 in final stanza.

Scribblers' Peeve Growing

Increasing peeve of scribblers against pay-on-publication mags, which has long grown out of the murmur class, may crystallize this winter into concrete action against those publishers who won't pay on acceptance.

Most of the complaints prefer that the Authors League take the action, as the sole national writers' organization. Should the league plan to work out a campaign wherein they hope to enlist every scribbler contributing to the pay-on-publication mags.

Idea is to ask for pay on acceptance of material—or else! 'Or else' would in all likelihood be a boycott, shutting off all material, it is hoped, from the periodicals.

Peeve against the pay-on-publication mags was brought to a head by recent bankruptcies of two mag chains, with numerous scribblers left holding the bag. As has frequently happened in cases of the sort, comparative small checks as authors left them out in the cold when assets, if any, were liquidated.

Pay-on-publication has always irked writers because of the uncertainties involved. With the mortality rate high among new periodicals, many new ones that pay on publication fold before contributors can collect.

Acceptance of a story or article does not indicate when, or even if, it will be used, and scribbler, without receiving pay for the piece, must remove it from the market. Not infrequently an 'accepted' piece is returned a year or more later, by which time it may be dated or has diminished in value.

Lesser pulps not the only ones that pay on publication. Many class mags pursue the same policy and with scribblers of established reputations.

While some writers hold that the pay-on-publication mags should at least pay an advance on material accepted, majority want payment on acceptance and are determined to force the universal adoption of that policy soon. They point out that the printers, paper companies and distributing agencies get their's, but the scribbler is still the party.

Postal Cut to Benefit Book Biz

All sorts of benefits are seen by those in the book biz as the result of President Roosevelt's action in cutting book mailing cost to that of mags. Morris L. Ernst, counsel for the National Committee to Abolish Postal Discrimination Against Books, goes so far as to predict the mail rate cut will 'revolutionize' the book industry.

Group which get about seeking the mail rate cut for books got startlingly quick results. Organized only a few weeks ago, and enrolling not only leaders in the publishing biz, but notables from all walks of life, committee went to work directly on the President for the desired action. Previous intermittent attempts over a long period failed.

Under the old postal rate it cost three cents to send a mag from New York to the Coast, with that for a book being 26c. New postal rate for books is one and a half cents a pound. Because majority of book publishing is in the east, old postal rate worked a hardship.

Pointed out by Ernst that around half the country's population lives too distant from bookshops or libraries to conveniently buy or borrow books in person. Sees lowered postal rate as a step toward increased book-buying and borrowing.

Publishers are confident of an immediate increase in book sales, and are making plans accordingly.

Radio World Sold

Radio World, whose publication has been halted because of the continued illness of its publisher, H. H. Hennessy, has been sold to James E. Bryan and Edward L. Moore. New owners resume publication in January, with mag to get a new format and additional features.

Bryan will be prez and treasurer of the new publishing company, with Moore as vice prez and publisher. Latter will also edit.

Small Daily Goes Cosmopolitan

Like the Connecticut Nutmeg, the Greenwich Time, published in the same state, is tempting readers beyond the locality in which it is published.

Lure held out by Time, published in Greenwich, is publication of advance chapters of Hendrik Willem van Loon's new book, 'Our Battle,' characterized as the author's personal answer to Hitler's 'My Battle.' Publication of 'Our Battle' in Time, which began last week, precedes its appearance in book form. Simon & Schuster has the book skedded for next week.

Prominence of Van Loon, together

with timeliness of the book, prompted Time to undertake an exploitation campaign in New York and other nearby points. Reasoned that, like the Nutmeg, Time now has something to offer a non-Connecticut resident.

Reason for parts of 'Our Battle' going into a small daily away from New York is that Van Loon, who has his home in Greenwich, recently was made a member of the newspaper's board of directors. Gives his paper a build-up, at the same time fetching good advance publicity for his book. Editor of Time is Wythe Williams, former foreign correspondent.

Book Auction to Aid Refugees

Host of literary notables will sponsor a Book Auction Dinner at the Hotel Plaza, New York, Dec. 8 for the benefit of the Joint Distribution Committee and the American Committee for Christian German Refugees. A number of valuable manuscripts will be auctioned off at the affair, including one each from the world-famous exiles. Prof. Albert Einstein and Dr. Thomas Mann. Einstein's manuscript will be the original of the article, 'Anti-Semitism,' to appear in next week's Collier's. That by Mann is an essay on Richard Wagner's 'Nibelungen Ring.'

Among other manuscripts to be offered are that of Clifford Odets's new play, 'Rocket to the Moon,' which the Group Theatre now has in rehearsal, and an inscribed copy of Thornton Wilder's 'Our Town.'

Included on the committee for the Book Auction Dinner, which is headed by Dr. A. S. W. Rosenbach, are Bennett Cerf, Gabriel Wells, Col. David Macdonald, William D. Weiswald, Benjamin W. Huebsch, Robert L. Ripley, Alfred A. Goldsmith, Clifford Fadiman.

Retracts on Hearst

New York Post last week printed a retraction of a statement it had made in an editorial to the effect that W. R. Hearst signed a \$400,000-a-year contract some years ago to provide the Nazi press with his news services. Boxed under the heading, 'a correction,' the retraction stated, 'The Post can find no evidence that the present business of International News Service with the German newspapers is any larger than it normally was for many years past; that, about \$55,000 a year.'

Post's original editorial had made the \$400,000-a-year contract charge in connection with an assertion that the Hearst papers were pursuing a policy in support of Chamberlain and the Munich agreement and of the dictatorship. Since then Hearst, in press and radio addresses, has scored the Nazis for the Jewish oppression.

Reading Pius a Shave

Electric shavers as an accelerator for book sales is the idea behind a new book-selling organization, Empire Publications, headed by Paul Guttentag and William Weinbrof. Pair have made an arrangement with Reynal & Hitchcock whereby they get sales rights to the reprints issued by its various subsidiaries, including Blue Ribbon Books, Triangle, Burt and Halcyon House.

Operating plan of Empire Publications is to throw in an electric shaver with every two-book sale, the whole to go at a special price. To make the 'deal' even more attractive, the books and premium will be made available in three payments.

Not the first time that books have figured in a 'deal,' but never before with an electric shaver.

DeVoto Edits Twain Works

Job of editing unpublished material of Mark Twain, held by his estate, has proved so big a task, Bernard DeVoto, who has the assignment, expects to take up his residence in Cambridge, Mass. Great quantity of original manuscript, correspondence and documents bearing on the whole period of Twain's life and literary activities has been taken from storage and placed in Widener Library, Harvard University, for DeVoto's detailed examination.

Press of work has obliged DeVoto to ask to be relieved as one of the judges in the Harper Prize Novel Contest. Carl Van Doren will replace him, serving with Louis Bromfield and Josephine Johnson.

Booksellers Boycott Nazis

Joining the Nazi boycott, members of the Booksellers Guild of America have taken pledge not to deal with any booksellers or publishers of Germany, or to purchase any translations of the works of Nazi writers.

Many books now on lists of American publishers will be affected, most of them Nazi bibles, Hitler's 'My Battle,' which has been published here in an English translation.

NEW PERIODICALS

Almanac and Guide, published by the Almanac and Guide Co., an affiliate of Bruns Publications. Latter, which is headed by V. S. Fox, publishes World Astrology. Almanac and Guide will be issued by the World Astrology editorial staff.

Digest mags, which continue in a steady stream, will be further increased around February by two new ones from the publishing house of Dagobert D. Runes. Proposed new digests will cover specialized fields, those of photography and popular medicine. Runes has formed the Eureka and Synopsis Publishing Corps. The purpose. Titles and editorial staffs for the two digests not set as yet. Runes now publishes two digests, The American Lady and Current Digests. Almanac has another monthly, Best English.

College Years first serious mag by and for the college student. Publishers a couple of Yale men, Henry B. Sargent and Richard M. Weissman, with former as business manager and Weissman as editor. Associate editors are Oscar Kask, Beverly Stocking and Mary E. Wickham, also in college. Publication office in New York, although much of the work on the new periodical will be done in New Haven, Conn. College Years will appear quarterly.

Twice a Year, combination book and mag, will make its initial appearance this week. Published and edited by Dorothy Norman, publication, in the format of a book, will carry pieces on the arts and civil liberties. Distribution will be via bookshops and newsstands. As indicated by title, will be published twice a year.

Couple of femmes named Miriam B. Hyde and Donna B. Lippmann, and reputedly new to the publishing biz, making preparations to get out a new mag. Girls prefer to say nothing about it at present, but understood proposed periodical will have a sports angle. Business tag under which, the mag will be sponsored is L. H. Publishing Co.

Tops is a mag for the glorification of the Negro race, sponsored by the newly-formed Fanny Elsworth Co. Editor is Fanny Elsworth, who's also head of the new private project. Regularly, she edits two of the Eltinge Warner periodicals, and also serves the Newstand Fiction Unit mags in an advisory capacity. Tops will, in each issue, recount the achievements of those members of the colored race, who have reached, or who are reaching, tops in their professions. Frequency of publication of Tops not decided upon. Will be determined by reaction to initial issue. Walter White consulting editor.

Liquidate Sovereign House

Liquidation of Sovereign House, bankrupt N. Y. book-publishing firm, was voted upon at meeting of creditors. Stanley K. Olden, appointed receiver at a previous creditors' meeting, was named trustee. Olden to begin disposal of assets this week, with likelihood creditors will receive around 10c on the dollar.

Offer of settlement made by representative of Arthur J. Burks, head of Sovereign House, has been turned down by creditors because cash guarantee failed to come through. Indebtedness said to be somewhat over \$10,000.

Women Group's Award

National Federation of Press Women will give four cash prizes of \$50 each for best short feature article, editorials, columns and news stories, respectively, published between now and next April 1.

Competition open to all regularly employed newspaperwomen in North or South America, who are members of any women's press club. Only one article each to be submitted by entrant. Winners will be known at a dinner to be held by the National Federation of Press Women June 26 at the Waldorf-Astoria hotel, N. Y.

Colophon Back to Old Setups

As the result of its subscribers' plebiscite, The Colophon, the bookmen's quarterly, goes back to its original form with the first issue of the new year. As was the policy when it began publication around eight years ago, mag will include examples of original graphic arts.

\$4.15 for four issues, it's probably the highest price periodical in the country, limited to 2,500 subscribers.

Keats-Shelley Contest

American poets will be invited to aid in the enlarging of the poetry library of the Keats-Shelley Memorial House in Rome by participating in a poetry contest. Participants will get \$2 entry fee. Fee is to go to the library fund, and name

of every one participating will be inscribed in a souvenir volume to be kept at the shrine in Rome. Contest closes next Aug. 4.

Directing the poetry contest is Mrs. Alice Hunt Bartlett, chairman of the American section of the Poetry Society of Great Britain. Society made the Keats-Shelley Memorial House possible.

Pitt Scribes May Go Politic

Two Pittsburgh sportswriters are mentioned prominently for Pennsylvania boxing commissioner's job. They are Harvey Boyle, sports editor of morning Post-Gazette, and Regis Welsh, boxing writer on afternoon Press, with odds favoring the former. Change imminent, since incoming Republican administration is hardly likely to reappoint present Democratic incumbent, Dr. W. T. McClelland.

Boyle is said to have potent political backing for post and chances are additionally fortified by fact he served as boxing commissioner for decade until his loss of Pennsylvania for the first time in 1932. Post pays \$5,000 a year. Boys would be allowed to keep their present newspaper jobs.

Merge 2 Boating Mags

Publishers of Motor Boat have acquired Power Boating, mag published in Cleveland, and will combine the two. Next issue of the combined periodical will be called Motor Boat with Which Is Combined Power Boating. Title will be shortened later, though retaining both names.

All properties of Power Boating being moved to New York; Cleveland office will be closed. Editorial staff of Motor Boat will serve the combined periodicals, with Gerald T. White, editor, and E. S. Nelson, chief aide.

Judge Goes International

Changes on Judge, under its present directing head, Harry Newman, continue, with the humor monthly now in a new large size approximately that of Esquire. Also now to be dated a month ahead of publication, and to make that possible current issue is a November-December combination.

Aiming at Anglo-American coverage Judge now lists British sales price jointly with that of the American. Only other mags to do that are a few internationally-circulated femme fashion periodicals.

Team for Dickens 'Carol'

Garden City Publishing Co., the Doubleday, Doran affiliate, and John C. Winston Co. have gotten together on simultaneous publications of a new edition of Charles Dickens' 'A Christmas Carol,' with a foreword by Lionel Barrymore.

Regular edition will be published by Garden City, with a deluxe boxed edition to be issued by Winston. Except for some embellishments, two are identical, with both containing illustrations in color by Everett Shinn. Joint working arrangement is first for both book firms.

Spit Parents' Mag

Parents' Magazine, one of three national mags publishing special editions for Metropolitan New York, will give those special sections a separate identity. N. Y. edition, which for four years has been bound into the mag proper, will be known as the New York Mother.

Unlike principal part of mag, New York Mother will be news rather than features. Will list, among other things, film and stage attractions for children.

Revive Detroit Sat. Night

Detroit Saturday Night, which suspended publication some months ago, has resumed. New publisher is Fred L. Moore, veteran newspaperman. Frederick A. Moore, Jr., is business manager. Resurrected version is patterned pretty much after the old. Glenn F. Jenkins, who edited the old Detroit Saturday Night, reported at work on a new mag, Inland Empire, which he will both publish and edit.

LITERATI OBITS THIS WEEK

Robert T. Ball, 64, co-owner, editor and publisher of the Loveland (Colo.) Daily Reporter-Herald, died at his Loveland home after an illness of two years. Funeral and burial were in Loveland. He is survived by five children.

W. J. Dozier, 69, for 14 years editor of Douglas County Citizen, Douglasville, Ga., died Thursday (17) of heart attack. Well known in Georgia editorial circles, he moved to Douglasville 15 years ago from Kentucky. Burial was in Stanford, Ky. Wife, two sons survive.

CHATTER

Paul Walkes to Chicago, where his mother is ill.

Mortimer H. Cobb has joined Cue as an associate editor.

Hector Bolitho gets over tomorrow (24) for a lecture tour.

Louis S. Friedland and Elmer Martin Norman have formed a new literary agency.

Pearl Buck and her husband, Richard Walsh, the publisher, feted by the P.E.N. club.

Irving Stone in from the Coast for conference with his publisher, Houghton, Mifflin.

Franklin E. Jordan is the new editor of Gateway Magazine, the Boston amusements giveaway.

Francis Harrington and King Whitney, both with the mag Ugo, upped to vice-presidents.

After 15 years downtown, Penton Publishing Co. has moved to the midtown publishing sector.

The Almanac and Guide Co., Inc., has been chartered to publish astrological almanacs, etc., in New York.

Robert Leland Crowe head of the publishing house bearing his name, weds Ruth Brown Shurtiff Dec. 23.

Eugene Sheffer's serious operation in Boston a success and he's due to become active again with King Features very soon.

Rumor persists in Philly that Moe Annenberg, publisher of the Inquirer (Morning), will enter the race in that city with an evening sheet.

George Seibel, former drama and book critic of Pittsburgh Sun-Telegraph, has submitted a novel to a couple of New York publishers.

Second volume of William Murrell's 'History of American Graphic Humor' to appear on Nov. 29. Covers the period from 1865 to the present.

Lorna Farrell, editor of The Woman, digest mag for femmes, inaugurates a regular Hollywood Fashion Pre-View section in the December issue.

British publishing rights to 'With Malice Toward Some' have actually been sold. Book is the biggest slug at the British since the Revolutionaries.

Editors Press Service, Inc., New York, has increased its capital stock from \$3,500 to \$53,500, according to papers filed in Albany by Robert H. Davidson.

David Perry, son of Florence Fisher Parry, Pittsburgh Press columnist, has joined United Artists advertising department under Lynn Farnol in New York.

Concert Trust

(Continued from page 39)

activities. While such action would probably have little effect on the regular winter concerts it would completely block the summer season in Hollywood Bowl, including all opera, ballet and concerts with guest stars.

Winter season normally operates at a loss, but the summer series in the Bowl, which is a handsome profit. It is to avoid closing the whole setup and putting the musicians involved out of work that AGMA has offered the management a way out.

While on the Coast recently, Leo Fischer, AGMA executive-secretary, had several long huddles with Joseph N. Wechsler, American Federation of Musicians president. What they decided was not revealed, but they are believed to have reached some agreement in regard to Menuhin's refusal to join AGMA and his public attack on the organization.

Part of the Menuhin statement, printed in paid-for space in the Los Angeles symphony orchestra program, said of AGMA unionism. 'It is just as if you demanded that husbands and wives had union cards and regulations to govern their privileges and duties together; or as if the poets and prophets of old, or Christ and the Apostles had been forced to get union cards and be subjected to blind union discipline.'

AGMA's negotiations with the Metropolitan Opera Assn., of N. Y., are expected to be resumed within a few days. Principal matter for negotiation will be the disputed 'Clause 12,' which gives the management a 'franchise' on all outside artistic activities of its singers. Met and AGMA reached a preliminary agreement, with the proviso that the matter of 'Clause 12' would be considered further this fall. Resumption of negotiations has awaited the return to New York of the AGMA negotiating committee, including Lawrence Tibbett, Ezio Pinza and Lauritz Melchior.

Broadway

Ole Olsen's pinch back tux a laugh at benefits.
Henry Hobart, vet film producer, in New York.

Lela Moore, dancer, back from Rio de Janeiro this week.
Sam Marx' Columbia story ed, back to the Coast on Friday.

Harry Mester, manager of the 46th Street theatre, seriously ill.
Ruth Harding in the Presbyterian hosp, reported doing all right.

Henry Bellit, vet vaude producer, has gone into the travel service business.

Larry Cowen, with Fabian in Albany, in town last week with Mrs. Cowen.

Joe Phillipson back at the Par home office after a business trip to Oklahoma.

Mike Connolly, of the Screen Actors Guild eastern office, vacationing in Florida.

Clay Morgan, advertising-publicity chief for NBC, to Washington for a brief visit.

Arthur Levy will go to Boston ahead of 'The Merchant of Yonkers' for Richard Maney.

'La Conga' folded Friday night. Central Park Casino reopened with a George Hale revue.

Charlie Einfeld fell off a horse Sunday (20) and hurt his wrist, requiring medical attention.

Industry notables on Saturday (19) attended confirmation of St. Gabriel's son, Robert, in Paterson, N. J.

Fowler and Tamara, celebrating past seasons, have a new dance troupe lined up for cafe and vaude dates.

W. G. Van Schmus, managing director of Radio City Music Hall, left for Coast to o.o. new product.

The reunited Jack Oakies making the rounds; they sail Dec. 2 for London. Adolph Zukor will be on the same boat.

Now that her 'One Third of a Nation' (Par) film is through, Sylvia Sidney will do a Group Theatre play by Irwin Shaw.

Arthur Lyons and his bride, Ida Rhodes, Warner player, will come east for the holidays as part of their honeymoon trip.

Ben Shanin, of the Simon Agency, now run by Charlie Yates, has resigned from that organization to open his own booking office.

Francis Albertanti, who publicized a Coast race track, now p.a. for Albert Yates' Oriental Park course and Casino Nacional, Havana.

Charles MacArthur is having a replica made of the Mae West surrealist hair view seen in a Fifth avenue department store.

Fortune mag for December has a piece on the Hays office. Current Ken has by-lined story by Walter Wander on Wall street and pix.

Judge Frederick E. Goldsmith to the Coast on legal business having to do with Hollywood clients, which will keep him west three weeks or so.

The girl in the department ordered flowers for Jan Schwartz, who works for the J. H. Cooper interests, on learning it was her birthday Monday (21).

Phil De Angelus tossed a party and buffet dinner for friends in the industry Sunday night (20) in celebrating christening of their six-week-old granddaughters.

Candy butchers in burley tales now get the spotlight when they start their spiel. Practice began last week with salesmen also on the stage, talking into house mikes.

Carmen Lewis and Jack Gould will be married in a few days. She was recently with Wiman office, having assisted 'Don Borrowed Time'.

'I Married An Angel' and 'Great Lady'. He's on the New York Times dramatic staff.

Paris

By Hugo Speck

Ray Goetz in town.
Jacques Charles to London.

Pierre Sandrini back from London.
Dorothy Dickson in from London.

Matia Ossira featured in new 'Eve' revue.

Georges Rigaud mulling return to Hollywood.
'Altitude 3,200' revived at Theatre de l'Etoile.

Joe Sacks in from London. Talent hunting.

Felix Rosan setting new 'Chez les Nudistes' revue.

Grace Moore to London for engagements there.

Marlene Dietrich still putting off departure for America.

O. P. Gilbert writing scenario on French commercial pilots.

Mistiguett m.c.d. 'Grande Nuit des Vedettes' at Medrano.

Durbin pic, a click at the Avenue.

'Suez' getting French dubbing, with Annabella handling own role.

Louis Verneuil to Lausanne to present his 'Don Borrowed Time'.

Simone Simon changed mind about leaving to clean up affairs in Hollywood.

The First Legion, Emmet Lavery's play, adapted by Jean Silvain, in rehearsal.

Planet Pictures Corp. bought

London

North and South American rights of 'Cheri-Bibi'.

Suzi Solidor appeared on Normandie stage for opening of her film, 'Le Revenant'.

Jean de Lumina starring 'La Petite Peste', adopted by J. L. Bouquet from Romain Coollus story.

Harry Baur in on direction of Theatre - des - Ambassadeurs with Alice Cocea and Jean Cocteau.

French kids saw Little Miss Broadway free at Rex as guests of 20th Century-Fox and 'Paris-Soir'.

Marcel Pagnol to make 'Monsieur Bretonneau', which he is adapting from R. de Fiers and A. de Caillevet's story.

Pierre Brasseur engaged his wife, Odette Joyeux, for 'Folie Bout de Bois', which he wrote and will produce in Pagnol studies in Marseilles.

Georges Rigaud, who took a try at Hollywood earlier this year, will return this winter. He's now finishing his first French film since his second 'Folies', and has an agreement secured as soon as this one is finished.

Pan Swing

(Continued from page 1)

sical education in his life. Seventy-

gain all their knowledge through the radio or by hearing records. They

know more about the classics than they ever would have learned

through instruction in schools.

Pedro weren't exactly satisfied to take the rebuke lying down. It's all

right to play the classics in swing for dancing, remonstrated one, but

swing adds nothing to music as we know it. To say that you bring

something to children is absolutely wrong. For instance, in 'My Reverie'

(Clinton rewrite of Debussy) you have a dance number, not Debussy.

Clinton and Dorsey illustrated their talks with recordings, much to the joy of a mob of jitterbug kids

who swarmed in from surrounding schools for the event. Every time

the needle was removed from a disc to answer a question, there was an

audible groan from the gallery.

Comm'l Ad Reels

(Continued from page 1)

attracting 78,000,000 people weekly, and the huge following the grid sport

draws each week in the autumn, the only thing the screen advertiser has

to overcome is resistance on the part of the movie authorities and exhibitors.

Since thus far both have been agreeable to such a commercial sports

reel, only the details of nationwide coverage have to be worked out.

Plan would be to photograph 500-foot picture of local games and

guarantee the advertiser handling most big contests over an eight-week

period. Estimated that about 30 games would be covered weekly.

Pictures would be supplied the exhibitor gratis.

Because thorough coverage for localized contests to appease exhibitors in individual communities is an added

burden and a costly added expense item each year, many news-

reels thus far have voiced no opposition to the plan.

If proposition works out satisfactorily with football, a try may be made to duplicate on basketball in the

middlewest, where the sport draws large attendance every winter.

Goetz' Daughter

(Continued from page 1)

her husband's parents would inquire about who her parents, etc.

When Harry Link, general professional manager for Irving Berlin,

Inc., heard of it, he got Berlin to phone Ray Goetz, brother of the late

laureate, who is now a resident of Paris. Johnny O'Connor, Fred

Waring's manager, who knew the girl who may now get a share of her

father's ASCAP income.

'Moose' Harrison later married Harry Casey, vaudevillian, now deceased, and was last known as Mrs.

Billy Orr, and reported residing in upstate New York. The Goetzes come from Buffalo, but that's no reason

why she might be found residing there.

Link is well connected in Atlantic City and through cooperation of the mayor dug up the marriage records

of Goetz and Miss Harrison.

London

Jack Egger minus his appendix.
Elsie Cohen, head of Unity Films,

to Paris for a week.
T. Hayes-Hunter to Paris to pick

up option on Renee Saint Cyr.
Elsie Carlisle twice bereaved in

five weeks by death of mother and aunt.
Elephant In Arcady' scheduled to

close Nov. 5, reprieved for another week.
Jack Harris doing series of Sun-

day concerts for Odeon cinemas and packing 'em in.
Jean Forbes-Robertson portraying

title role in 'Peter Pan' for ninth successive season.
Henry Sherok on Continental it-

inerary for fortnight.
Gessie Bloom elected president of

the Gallery Film-theaters Club for the 15th straight year.
The new Grosvenor House cabaret

show, which commences Dec. 15, will be called 'Grandfather's Follies.'

James Xmas pantomime will be held at the Lyceum despite fact that it has been sold. Business building

will replace.
Berton Churchill left for home

after finishing 20th-Fox's 'So This is London', despite offer to play lead in West End show.

Ronald Squires collapsed on stage during provincial tour of 'Plan for a Hostess', but recovered in time to continue in show.

British National Films looking for American male star for lead in 'Official Secrets' spy yarn, due to shoot middle of next month.

Hippodrome, Blackpool, which Associated British Film Corp. has on lease from private concern, to be rebuilt at cost of £250,000.

'A Party for Christmas' closed at the Haymarket Nov. 5 without notice. Show had moved from Arts Theatre Club a fortnight earlier.

Richards and Gillette opened Savoy hotel and closed after two nights, with Robinson and Martin called in from the Berkeley hotel to double.

Principals of 'Bobby Get Your Gun', the Jack Warner musical at the Adelphi, are under 33 1/3% cut, which was only chance for show to carry on.

Gracie Fields' next picture for 20th will be directed by Monte Banks. Shooting starts end of March. Tentative title is 'Cavalcade of Scottish Shipwrecks.'

Patric Knowles' contract with Warners' washed up, he returns to London, sailing from N. Y. Dec. 10. Reported he'll connect here with major picture company.

'Wild Oats' closes Nov. 28. Cast has been on out-pay scale last few weeks. New show goes in a month

later, with Sydney Howard, Arthur Riscoe and Vera Pierce to lead.
George Carney believed J. B.

Priestley in the comedy role of the latter's play, 'When We Are Married', after author stepped in until substitute for Frank Pettigall could be obtained. Lanker thrut in auto crash.

Peter Maurice Music Co. signed Manning Sherwin on songwriting assignment. Contract calls for three months with option. He's already started work on 'Firth' Shepherd's new musical, which replaces 'Wild Oats' at Princes.

'Jamaica Inn', Mayflower Pictures' third take the floor Nov. 28, with Alfred Hitchcock directing. Picture was intended to be made at Denham Films studios, as all seven stages at Elstree were occupied, but now two are available, so Distree gets it.

Douglas Fairbank Jr. may do Tom Geraghty's 'Flodden Field' while here. Picture was to have been made couple seasons ago by him when he was joint managing director of the now defunct Criterion Films, but was dropped suddenly.

Sydney

By Eric Gorrick

Mike Lustig visiting New Zealand on Metro bit.

'Sketch Book' is new revue to be staged by Harry Howard for the

Follies.
Jack Lester, former Marcus pro-

ducer, now staging presentations in Melbourne.

With big improving in the stix, local vaude performers are getting more work.

Hoys sending a femme band of 20 around its nabu chain. Femmes recently completed a successful run at Regent, Sydney.

Ken G. Hall, Cinesound producer, has recovered from his recent illness and is rolling 'Mr. Chedworth Hits Out', with Cecil Kellaway.

Various picture managements going into heavy huddles to formulate plans covering a film drive similar to the one operated in the U. S.

Dan Michalove will probably extend his Hoys' looksee as far as Perth, Western Australia, and Tasmania prior to hitting for home early next month.

Dick, Don and Dinah playing for Hoys at Regent, Melbourne, by arrangement with Tivoli. Nell Kelly and Johnny Bryant are the current

vaude attractions same management in Sydney.

Revals still making a bid for b.o. biz throughout the Commonwealth.

Current replays include 'The Guardsman' (U.A.), 'Man in Possession' (M-G), 'San Francisco' (M-G), 'Little Women' (RKO) and 'Trader Horn' (M-G).

Pittsburgh

By Hal Cohen

Dick Ware held over at Show Boat indefinitely as m.c.

Charlie Wolfe and Joe Tobin to Florida for the winter.

Keith Bain, Lawrence Welk's manager, taking flying lessons.

Adam Degasper celebrated their fifth wedding anniversary.

Herb Yates sent Varsity Club \$500 check for its annual milk fund drive.

Lou Goldberg here for few days, straightening out new Major Bowes unit.

Ella Toldi and Frank Cassel have organized the Laboratory Theatre here.

Ken Miller and Sam McRoberts, both of Tommy Carlyn's band, altar-bound.

Band leader Len Leslie home from hosp observation. Got a clean bill of health.

Armand Denis and Lella Roosevelt here for the opening of their 'Dark Rapture' film.

If Pitt or Tech gets Rose Bowl bid, WB booker Harry Feinstein will vacation on the Coast.

Herb Yates sent Varsity Club \$500 check for its annual milk fund drive.

Agnes Frendergast back home after visiting her mother in California.

Chicago

Quinn Regan laid up with laryngitis.

Max Turner handling shows for the Covenant Club.

Dizzy Dean and Bob Elson collaborating on a vaude tour.

Gift to Jack Kirsch, Allied chief here, at testimonial dinner will be an auto.

Joe Holton wound up the 20th Century-Fox screen-testing and scrambled.

Colony Club, under Nick Dean and Sonny Goldstone, has become class dine and dance of town.

Town loaded with agents and bookers last week. Among those in were Harry Eckstein, Dick Henry, John O'Connor, Bill Howard, Harry Mayer, Sid Piermont and Miles Ingalls.

On the Upbeat

(Continued from page 39)

cently opened Bandbox on 52nd street Nov. 30.

DeLange has nothing in view as yet after he exits in favor of Lunc-

ford.

Clarence Furman's WIP (Philly) house band has been pencilled in to supply tunes for the swanky Navy Club Dance at the Bellevue-Stratford.

Hal Borne organizing own orchestra and readying for a tour.

Ben Pollock signed for the year-end dance series at Pasadena civic auditorium.

Vido Masso opened at the Glendale civic auditorium.

Ran Wilde opens two-month stand at the Haultaub in San Diego Dec. 1.

Jack Fulton, Val Olman and Southern Gentlemen orchestras signed to Rockwell-O'Keefe management this week.

John Kirby will quit Onyx Club, N. Y., to augment Red Norvo-Mildred Bailey combo, opening Nov. 28.

Tito's Swinglet completed Warner short and Victor (Bluebird) discs this week. Also signed to compose for Exclusive Publications.

Tay Voge Quintet shorting for Warner, Dec. 9.

Howard Woods in fifth week at Paramount theatre, Newark, on hold-overs. Went in on regular one week with stage show.

Charlie Gasparre, trumpet-tooting brother of Dick Gasparre, is organizing a swing crew in Philly.

Ray West moved into the 'It' cafe in Hollywood.

Hollywood

Monte Banks in from London.
Robert Moriarty here from N. Y.

Mary Brian back from legit stock.
Rex O'Malley in from Manhattan.

Kenneth Thomson laid up with flu.
George Sanders arrived from London.

Laurence Olivier arrived from England.
Leonard Matchan in from New York.

Bob Burns returned from Hawaiian siesta.
George Gruskini at work after flu attack.

Nell Rau hooked up with Jimmy Flier.
Sam Bischoff to Europe next month.

Frank Lloyd back from European vresch.
Walt Disney appointed a Louisiana

colonel.
George Oppenheimer back from London.

Albe Meyer joined Music Corp of America.
Edward Kaufman back from South America.

Bing Crosby back from Bay Meadows.
Tommy Kelly on northern personal tour.

Harry M. Warner to hospital for observation.
Harlan Thompson vacationing in Kansas City.

Huntz Hall recuperating from appendectomy.
Betty Amann's new film name is Sandra Kane.

Edith Fellows recovering from appendectomy.
Mary Alice Scully joined Everett Crosby agency.

Lou Ostrow in hospital recovery from auto crash.
Robert Allen, thrown from a horse,

sprained his arm.
Dr. Horace Kallen here from N.Y., gandering studios.

Slum Summerfest celebrating 25th year as a film actor.
Johnnie (Seaf) Davis back from

midwest personal tour.
Edmund Lowe back from brother's funeral in Santa Clara.

Albert Morrison back from month's vacash in N.Y.
Marjorie Morrison and Ralph Aubert to be married (26).

Charles P. Skouras back from northern inspection.
Virgil Miller celebrating 25th anniversary as a cameraman.

William Anthony McGuire moved into Fred Astaire's old house.
John Boler en route to N. Y. to

broadcast and personal appearances.
Louis K. Sidney bought Jack Robbins' home in Benedict Canyon.

Louis B. Allen bought the Flanagan and Bishop Ryan of Omaha.
Neil Wheeler laid up with a broken

leg, result of a fall from a horse.
Glenda Farrell, back from Manhattan, suffering from nervous exhaustion.

Osa Massen, back from Denmark, to wed Allan Hersholt next month. He's son of Jean Hersholt.

Minneapolis

By Les Rees

E. J. MacErlane, Warner's head booker, ill.

Max Roth, Republic district manager, a visitor.

Sylvia Schroeder, of Republic, recovering from appendectomy.

Twin City Variety club to hold annual election of officers Dec. 12.

Film exchanges sponsoring weekly programs at Twin City Variety club.

Sonja Henie and her 'Hollywood Ice Revue' into Arena here Dec. 1 to 3.

Moe Levy, 20th-Fox district manager, visiting his Des Moines exchange.

'Nicker' Goldhammer, RKO branch manager, back from brief vacation and off into North Dakota on business trip.

M. G. Moorman, National Screen head booker, resigned to become Trailer-Made exchange office manager.

Ray Hurwitz, formerly with Gilman theatre circuit, succeeded him.

New Haven

By Harold M. Bone

Jack Sidney in town briefly.
Chris Joyce out of hosp after operation.

Yale

Probable Football Winners And Proper Odds

(November 24)

(THANKSGIVING)

By NAT KAHN

GAMES	WINNERS	ODDS
Vanderbilt-Alabama	Alabama	4/5
Columbia-Brown	Columbia	Even
Cornell-Penn	Cornell	13/5
Kansas-Missouri	Missouri	8/5
Kansas State-Nebraska	Nebraska	9/5
Kentucky-Tennessee	Tennessee	13/5
Villanova-Manhattan	Villanova	3/1
So. California-UCLA	So. California	3/5
Texas A&M-Texas	Texas A&M	3/1

(November 26)

Texas Christian-Soc. Methodist	TCU	3/1
Wash. State-Washington	Washington	2/1
Army-Navy	Army	7/5
Auburn-Florida	Auburn	13/5
Baylor-Rice	Baylor	6/5
Holy Cross-Boston College	Holy Cross	13/5
Dartmouth-Stanford	Dartmouth	8/5
Detroit-Santa Clara (Sunday)	Santa Clara	8/5
Pittsburgh-Duke	Pitt	7/5
Fordham-NYU	Fordham	3/1
Georgia-Georgia Tech	Georgia Tech	9/5
Tulane-La. State	Tulane	Even
Mississippi-Miss. State	Mississippi	3/1
Oklahoma-A&M	Oklahoma	3/1
Oregon State-Oregon	Oregon State	7/5

(Predictions Based on Fair Weather)

Bills Next Week

(Continued from page 46)

Stevens Hotel
Carlton Molina. Oro
Billy Hayes
Houston & Hardin
Lucio Garcia
Nita Leary
Marguerite Meyers
Three Deuces
Art Tatum
Baby Dodds
Freddie Reed
Lonnie Johnson
Tiger Inn
Helen DuWayne
Inez Gonen
Gladys Knight
Frank Davis Oro
Troadores
Gloria Romano
Adelle St. Clair
Terry Circle
Baby Dodds
Verna Moderna
Tony Cabot Oro
Winona Gardens
Stan Carter
Gladys Knight
Dorothy Lee
Suzanne Kesler
Lucille Johnson
Frankie Brown Oro
Zig Zag
Sunny Houches
Sally Wallace
Thompson's 16 Club
Ray Reynolds

20th Century
Tommy Cullen Oro
Harold Sewick
4 Grand
Ruddy
Bill Miller
Charles Baird
Ozzie Wells
Selma Holman
Videx Cafe
Chief Conrad
Jewell Elio
Rogers & Morris
Steppe & Carlon
Jerry Delmar Oro
Camden
Dolores O'Neill
Beth Calvert
Barry & De Alba
Dotie
Bill Bauerfield
Rogers & Morris
Mickey Wilson
Marty Bohm
Nancy Lee Oro
Teddy Oliver Oro
Weber's Hot News
Camden
Karl & Gretchen
Bavarians
Lee Hart
Rudy Bruder
Ray Miller
Jules Placore Oro
Leon Valencia
Jackie
Wonder Horse
Golla & Bocca
Jackie
Mary Monahan
J. & S. Shelbourn
Yacht Club
Kitty Himmilng Oro
Jimmy Bailey
Bill Carter
Watson Sis
Patricia Robinson
Doris Shea
Robert Ramsey
Douglas Show Boat
Rene Evans
Charlie Gains Oro

Open Door
Marty Joyce
Ripley
Colin Mein
Bernice Bullock
Charles & Mary
Viola Kallan Oro
Bob Spedden
Ramon Freeman
Three Deuces
Art Tatum
Baby Dodds
Freddie Reed
Lonnie Johnson
Tiger Inn
Helen DuWayne
Inez Gonen
Gladys Knight
Frank Davis Oro
Troadores
Gloria Romano
Adelle St. Clair
Terry Circle
Baby Dodds
Verna Moderna
Tony Cabot Oro
Winona Gardens
Stan Carter
Gladys Knight
Dorothy Lee
Suzanne Kesler
Lucille Johnson
Frankie Brown Oro
Zig Zag
Sunny Houches
Sally Wallace
Thompson's 16 Club
Ray Reynolds

Stamp's Cafe
Johnny Walsh
Merrone & Gallo
Lorraine Lane
Pat Shaw
Pat Perry
Paul Miller
Jack Hutchinson
Irving Bravoor Oro
Silence & Inn
(Clement)
Mickey Pamflett Oro
Pec & A. Selandia
Sally Wallace
Tommy Osborn
Bill Carter
Dolly Reckless
Jutkie's Rathskeller
Cammeria G. (3)
Ditty Wintner
Mickey Duval
Alice M. White
Frank Pont

DETOIT
Ambassador Club
Buddy Lester
Betty Coeds
Beth Clark
Joe Millkopf Oro
Carol & Lane
Helen & D'nald
Allen Collins
1028 Club
Dickson Sis
Florence Holman
Sally King Oro
Frankie Palumbo's
Ray Miller
Clark & Curtis
Bath Club
Frank & Alma
Yvonne
Edmund DeLuca
Meymo Hotel
Hildebrand's
Agnes Willis
Patsy Harkley
Leonard Cook
Lois Pullman
Coster
Lydia White
Leslie Sis
Richard Bach
Bobby Lee Oro
Hotel Adelphi
(Cafe Margery)
Allen Fielding Oro
Sammy Walsh
Alice Stewart
Charlotte Armstrong
4 Vipers
Eddie Thomas
Margo Gils (3)
Jack Newton
Hotel Philadelphia
C. Wolf Gils (6)
Ginger Dole
Ripley
Bob Margee
Gladys & Joyce
Edna Franeto
Lettimer Club
(Blue Room)
Tom & Kelly
Billie Lee
Sharon Harvey
Line (6)
Joni & John
Little Rathskeller
Jack Griffin Oro
Zorita
Jerry Krueger
Jackie Lynch's
Joe Donath Oro
Venetian Riso Oro
Monica Reed
Josephine Huston
Tip Top
Dittanor
John & Lindsey
Helene Heath

PHILADELPHIA
Anchorage
Bill Honey Oro
Arcadia Int'l
Jan Savitt Oro
Bon Hon
Jerry Taps
Charlotte Dale
Walter Donahue
Ange & Drigo
May & Gils (8)
Joe Pietro 3
K-M
Bellevue-Stratford
Dining Room
Meyer Davis Oro
(Burgundy Room)
Frank Jule Oro
Cliff Hall
Murray Dancere
Edmund DeLuca
Anchorage
Benny the Bum's
Avie Kent
E. B. Lee
Barbara McDonald
Betty Benson
Rose Irwin
Irving Oro
Delroy McKay
Johnny Graft Oro
Cadillac Tavern
Dean Edwards
Henriette & Adria's
Alma Stewart
Ada Reynolds
Eddie Thomas
H. Reynolds Oro
Jack Newton
Line (8)
Club Africana
F. Riley & Bunda
Rocky McCoy
Jimmy & Bobby
Frank Dancer
Joe Surrall
Derby Wilson
Blanche Saunders
Kitty Murray
Doc Hyde Oro
Club 15
College Cut-ups
Mildred Goven
Line 6
Mac Masters
Eddie Thomas
Ray Palmer Oro
Amy Organ
Johnny Young's Oro
Club Parakeet
Jean Niles
Fenette
Miriam Brome
Al Wilson
Bill Thornton Oro
Embassy
Dorothy James
Elythe Brown
Susan Austin
Lynda Marsh
Bernice Horton
Ann Kirwin

20th Century
Tommy Cullen Oro
Harold Sewick
4 Grand
Ruddy
Bill Miller
Charles Baird
Ozzie Wells
Selma Holman
Videx Cafe
Chief Conrad
Jewell Elio
Rogers & Morris
Steppe & Carlon
Jerry Delmar Oro
Camden
Dolores O'Neill
Beth Calvert
Barry & De Alba
Dotie
Bill Bauerfield
Rogers & Morris
Mickey Wilson
Marty Bohm
Nancy Lee Oro
Teddy Oliver Oro
Weber's Hot News
Camden
Karl & Gretchen
Bavarians
Lee Hart
Rudy Bruder
Ray Miller
Jules Placore Oro
Leon Valencia
Jackie
Wonder Horse
Golla & Bocca
Jackie
Mary Monahan
J. & S. Shelbourn
Yacht Club
Kitty Himmilng Oro
Jimmy Bailey
Bill Carter
Watson Sis
Patricia Robinson
Doris Shea
Robert Ramsey
Douglas Show Boat
Rene Evans
Charlie Gains Oro

JOHN FARRELL IN CANADA
Montreal, Nov. 22.
Jon Farrell, author of numerous plays for the British Broadcasting Corp., back in Canada after two years in England.
Leaves for Hollywood shortly.

APOSTOLI COPS TITLE BY STOPPING CORBETT

By JACK FULASKI

Two western parties fought for the middleweight championship which neither owned at Madison Square Garden Friday (18), by grace of New York's boxing commission which blandly ignored Solly Krieger who surprisingly won the title recently by defeating one Al Hostak out Seattle way. Fred Apostoli, of San Francisco, was the winner over Young Corbett, 3rd, who is 10 years older and far less rugged. Match was stopped in the eighth round with Corbett on his knees.

When Apostoli was announced as the new champ, the customers gave out the bird. As a title contest it wasn't much to look at and the limited number of fans disapproved the Krieger rating by the commiss. Other than gave percentage, Freddie won't have advantage with the crown, for he is supposed to take on Solly who has licked twice before, nothing much in the way of a draw is expected for that match.

In a native son event (both are of Italian extraction) on the Coast last summer Corbett copped the duke over Apostoli, which provided the reason for re-matching the men at the Garden. However, if the Krieger win further up the Coast was one of those things, then Corbett's story may have been also. Story is that with Corbett's eyes nearly closed, Apostoli eased up in the final rounds on that occasion and was noosed out.

The layers had it right in making Apostoli the favorite at three to one but in the early sessions Corbett scored more points in his southpaw manner. It was evident that he possessed no sock and few of the blows were cleanly delivered, only one real straight wallop tagging Freddie and momentarily slowing him up. After the fourth round Apostoli forged ahead, aiming for the body consistently.

That did it and Corbett sagged to the canvas from a wallop to the stomach. He went down several times, twice in the seventh round but one of the descents was a second or two after the blow was delivered and that was the final knockdown. Hence, Eddie Joseph ruled that Corbett dropped without being struck and called off the fight, result being a technical kayo for Apostoli.

Over the radio it was estimated that 18,000 attended but the announcement was grossly exaggerated for there were only 7,000 paid customers for a gate of \$21,600, gross being distinctly disappointing for a show with tickets at \$11.50 top.

This Friday (25) Henry Armstrong meets Cerezo Garcia for the welterweight honors now in the hands of the little Coast colored scrapper. It is a postponed event, set back because Armstrong claimed to have hurt his back while training. Said, too, that his lip, badly cut during his match with Lou Ambers, had not thoroughly healed. No fights next week, Garden having the "Ice Follies," billed as direct from Hollywood.

Frisco's Advance Edge

San Francisco, Nov. 22.
A total of 160,438 persons have paid admissions to the 1939 World's Fair since Treasure Island was opened quietly to the public April 3, when less than 1,000 people visited the expo site. Since that time the attendance has been steady and rapid with a total take of 34,375 now in the till.

It is expected that 300,000 admissions will be collected before the fair opens.

Baby Parking Station

San Francisco, Nov. 22.
Golden Gate Amusement Corporation, headed by H. A. DeVaux, signed this week for a three-acre Children's Village at the Golden Gate International Exposition.

Contemplating one million paid admissions (children 10 cents; adults 25 cents), the Village will be set up as a combination Toyland, Fairyland and "Play Way." A feature is a "baby parking station," where parents can check the kids in the care of doctors and trained nurses.

All theatres, cafes, shops, etc., will take unusual shapes. There will be a cafe-in-a-pumpkin; a coffee-pot, a giant ice cream cone, etc.

Delays in Midway Construction Causing Some Concern for '39 Fair

Worried About Isbey

Detroit, Nov. 22.
Although Gov.-elect Frank Fitzgerald has asserted that he'll replace only incompetent officeholders, there's considerable anxiety hereabouts over possible fate of Frank Isbey, Gov. Frank Murphy appointee who's guided Michigan State Fair into black past two years. Isbey, who took over management of state fair after it had gone heavily in debt for many years, instituted a giant all-star show in the fairgrounds coliseum as magnet for fairground sales. Past year's show cost around \$75,000 with five topnotch bands and strong talent.

Barnes Trick Passes Up Coast for Florida As Winter Hibernation

Sarasota, Fla., Nov. 22.
Al G. Barnes and Sells-Floto circus, under the Ringling Bros.-Barnum & Bailey management, rings down the curtain on its 1938 season at Lakeland, Fla., next Saturday night (26) and following day comes into winter quarters here, first time in more than a decade that show has not wintered at Baldwin Park, Cal.

Upon winding up, outfit will have travelled 22,151 miles this season; by far greatest mileage ever hung up by the Barnes combo. Season opened March 27 in San Diego, Cal., and with the exception of a single day in Reno, Nev., remained in California until May 10.

Longest jumps of the season were from Revelstoke, B. C. to Edmonton, Alta., distance of 457 miles. Shortest jump was 10 miles from Portland, Ore., to Vancouver, Wash.

Season ran slightly more than 35 weeks. At end of 15th week, at Jamestown, N. D., outstanding features of the Ringling-B-B show were added. Last four weeks of season were spent in Tennessee, North and South Dakota, Alabama, Georgia and Florida.

BETS NO DICE IN N. J.

Legislation Withholds Referendum
On Betting Because of Expense
Trenton, Nov. 22.
Complications have developed that may delay the referendum on the legalization of horse race gambling in New Jersey for perhaps a year. The stumbling block is the cost of submitting the proposed constitutional amendment to the voters. The expense is estimated between \$600,000 and \$750,000.

Several legislators indicated the referendum might be deferred indefinitely, which would come as a sad blow to horse race interests who have been speeding operations on at least three tracks in the state in the hopes legalized gambling would be approved by the spring.

A million-dollar track is under construction in New Jersey. A second is being readied on the outskirts of Atlantic City, while a third is planned for the New Jersey State Fair grounds at Trenton, operated by George A. Hamid.

Break for Stars

(Continued from page 1)
the profession may find them flat the following season, is also recognized by Sheridan Downey, new Democratic senator from California, who is readying legislation which would establish a drawing account with the Government. He proposes placing returns on an actors' peak earnings in a capital fund, from which he could draw an annuity in the leaner years, paying taxes on the money taken out.

Sudden interest on the part of Federal tax officials and members of Congress comes after several years of unsuccessful agitation for relaxation of the tax laws as they relate to the profession. Hoped that some action may be forthcoming early in 1939 when Congress convenes.

Backwardness in getting construction work started on the amusement sector (Midway zone) at the New York World's Fair is beginning to cause real concern in the ranks of those who are convinced that the popularity of the exposition will depend largely on how this portion of the fair shapes up. Frankly they are at loss to explain the delay but admit that work on this portion of the 1939 is lagging far behind developments in every other section on the Flushing Meadows site.

Check a short time ago showed that all three or four rides now are going up on the midway site near the subway station of the independent subway line. There is no evidence that work is being done on any project although 85-90% of all space has been sold and virtually set for construction to begin.

Exhibitors planning to show in the amusement sector blame it on the delay in getting the ground in shape so that actual building can swing into action. A number of these owners of concession projects claim that the ground on which construction must be done either isn't levelled off or is not even in shape to make preliminary surveys. They bemoan the fact that the amusement area is the only backward portion of the exposition although obviously one of the most important sections from the dollar-and-cents standpoint.

Even the fact that the fair is planning a gigantic New Year's Eve celebration in the Times Square area does not detract from the worry of certain officials at the snail-pace shown in getting the fair's midway in workable order. Some of the more pessimistic are beginning to forecast that the New York show will open next April with one-third of the amusement zone still trying to get ready for business.

Shows
Plans of Billy Rose for three shows at the fair were revealed last week, being the aquadade, Barbary Coast and "Tight for Life," a water contest with men battling sharks or alligators. Dufour & Rose would have six exhibitions, including three rides, "Strange As It Seems" and "Life."

Also made known last week that after Jan. 1 only absolutely official visitors (and few of those) will be permitted inside the New York Fair gates. Order goes into effect because of necessity of rushing all construction work in the first four months next year, contractors working against time and not wanting any visitors in the way.

At the present time, out-of-town civic leaders, newspapermen and many others are being hosted by Fair officials if they express a desire to give the exposition a looksee. Figure that courteous treatment and the ride through the grounds will be repaid subsequently in enthusiastic buildup.

An important clearance department, set up by Grover A. Whalen, president of the New York World's Fair, to handle imports of all sorts from a herd of imported ponies to 79-foot boat, shortly will be placed in operation at the Fair's post office building. Federal Government has ruled that all material for foreign pavilions and exhibits of foreign nations will be given entry duty free with the understanding that they be registered in bond to guarantee their removal at the close of the exposition. If material is sold in this country, customs duties must be collected and paid. Hence the need for checking all material received from foreign lands for use at the fair.

N. O. Bookies Close

New Orleans, Nov. 22.
With the opening act for Thanksgiving Day, several hundred handbooks operating in this city unmoored have only until Wednesday (23) to remain open this year. With the start of the local horse racing season, the local bookies, which accept bets on races at tracks in various parts of the country, are ordered to close.

THE SONG THAT WILL
BRING BACK THE WALTZ...

Irving Berlin's

WE'LL NEVER KNOW

TWO SHOTS OF DYNAMITE!

HAVE YOU
FORGOTTEN
SO SOON

By
ABNER SILVER • EDWARD HEYMAN
and SAM COSLOW

IT'S A
LONELY
TRAIL

(WHEN YOU'RE TRAVELIN' ALL ALONE)
By
NICK KENNY • CHARLES KENNY
and VAUGHN DE LEATH

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56 PAGES

RADIO SEEKS SAFETY ZONE

Hollywood Xmas Cheer Assured By Boomtime Production Rush

Hollywood, Nov. 29.

Plenty of Christmas coin jingles in the offing. Picture industry is playing Santa Claus this year by turning December into a whirl of production activity. Although far ahead of releasing schedules, most of the studios are stepping on the gas and sending new features into work, in addition to the regular slates. This unwonted activity, with a corresponding flood of coin at the pay window, is due to continue until the Xmas season.

The 20th-Fox lot cut loose with a burst of Christmas spirit by ordering December starts on several features originally slated to hit the cameras in January. Among them are some of the most important 1938-39 pictures. It means a burst of speed at 20th where production slowed down in November. 'Jones Family in Hollywood' swung into action yesterday (Mon.) and 'Winner Take All' got the gun today (Tues.). Two high budgeters, 'Hound of Baskervilles' and 'Rose of Washington Square,' get the signal Dec. 16, to be followed by several others.

Warners tossed three into production yesterday (Mon.), making a total of nine in work, with 10 more slated to start before the end of the year.

Metro reaches a six-month high with 75% of its stars and contract players busy, and four more features due to start before the end of the month.

Paramount has seven companies at work and seven more preparing to start before the holidays. Universal will be shooting at full capacity next week, with four of its most expensive productions at work, and the same hum of activity may be heard in all the studios, major and independent.

U. S. Practically In Concession Business For N. Y. World Fair

Federal Government has done something for New York World's Fair that it never before did for a world exposition. It is going ahead with the construction of a building which will have space and facilities available to South American and certain European governments that can't afford an entire building or pavilion.

While renting will be strictly on a cost basis, to provide for the outlay made by the U. S. Government on the project, it actually puts the Federal setup in the concession business on a non-profit basis.

Florida is the only state planning elaborate pavilions or buildings at the New York expo, keeping apart from the other state structures. Alligator state is planning its building off to one side not far from the fair's midway section and near the lagoon fronting on this amusement section. (Continued on page 54)

Radio Starts Sumpin'

Los Angeles, Nov. 29.

Clinics for parents throughout California, to be introduced at next session of legislature, was inspired by John Boylan's script for 'Parents on Trial' on KFI. Parent-Teachers Ass'n is sponsoring the measure and will lobby for its passage.

Radio program is based on the stories of juveniles put away for delinquencies, purporting to place the blame on parents for not providing the proper environment for their youngsters.

PARIS SHOW BIZ JOINS GEN'L STRIKE

Paris, Nov. 29.

Paris' after-dark spots will practically be non-existent all of Wednesday (30) as result of musicians joining the general strike of the French Confederation of Labor. Musicians ordered the strike for 24 hours in theatres, music halls, circuses, brasseries, restaurants and radio broadcasts. Starting this (Tuesday) midnight, Paris' many cafes, clubs, cabarets, dance halls and all other night spots go dark. Starting 8 a. m. Wednesday (30) the others go into eclipse.

The Artists Union voted against joining the strike, but only in theatres where orchestras are not absolutely necessary will the shows be presented. Cinema mechanics and technicians voting today (Tuesday) are expected to join the walkout, but a checkup shows if they do many houses will attempt to remain open with emergency crews.

Film production, however, will be at a standstill for duration of the strike.

Cinema technicians today (Tuesday) were ordered to go out on strike with the musicians.

\$5,000,000 Mastbaum, Phily, Into Parking Lot

Philadelphia, Nov. 29.

Not yet 10 years old, the Mastbaum theatre here, one of the largest and finest in the country, will be torn down shortly to make way for a parking lot. Far out of the center of the city and always a white elephant, the house has actually been lighted a total of less than four out of its 10 years.

Erected in the mad-money days of (Continued on page 40)

LAW AND COMMISH BOTH ARE MURKY

Forced to Take Action in Self - Defense, National Association of Broadcasters Moves to Formulate Written Rules - Hopes FCC Will Give Tacit Endorsement - Coughlin, Rutherford, Welles, O'Neill Touch It Off

SARNOFF LEADS

Washington, Nov. 29.

A confused broadcasting industry is taking first steps to illuminate the danger zones that confront stations and networks due to the absolute refusal of Government officials to be specific, definite or clear. While there have been several recent minor 'clarifications' to help broadcasters in their guesswork, the lack of written standards has become a cause for alarm.

Broadcasters are frankly bewildered by what attitude to take toward such radio phenomena as Father Coughlin and Judge Rutherford and have been notably unnerved by the unpredictable and fantastic reaction to the recent Orson (Continued on page 53)

PAN-AMERICAN TOURIST BOOM

Pan-American accord is already having its reflex in the anticipated boom market this winter in tourist travel from the U. S. to the Latin and South American countries. This is expected, in short order, to be extended to the degree where it may cut considerably into the European tourist market.

Meantime cruise boat bookers are laying extensive plans for this winter's tropical itineraries to Rio de Janeiro and kindred ports. The talent will be an unusually strong feature this season.

Still another manifestation of the President's policy on 'good neighborliness' with all the other western hemisphere nationals, cemented by Secretary of State Cordell Hull's current visit to Lima, Peru, is the soon-due Cuban boom.

All sorts of elaborate plans, stemming from the recent visits of the Havana officials to the States, are being laid to truly make Havana 'the Paris of the western world.' Already well established as a gay capital, particularly during the winter seasons, 1938-39 will see an unprecedented rise in wide-open attractions to woo the itinerant U. S. dollar.

Film Business May Donate One Day's Receipts to German Refugee Fund

Sherwood's Complex

Robert E. Sherwood was inspired to write his 'Abe Lincoln in Illinois,' at the Plymouth, New York, because he has a 'Lincoln complex.'

That is what he told a lecture audience last week, explaining that while short men are thought likely to have a 'Napoleon complex,' his exceptional height (six feet, seven inches) has brought him a lifetime of ribbing and gave him a feeling of kinship and sympathy for Lincoln.

The motion picture industry is mobilizing to aid the German refugees on a national scale. At first the few instances of fund-raising were confined to sporadic and individual efforts or benefits, but last Friday (26) all the important top executives, members of the Hays organization, held their first meeting to do something on a larger standard. The idea discussed would call for every U. S. theatre controlled by Hays members to donate one day's proceeds to the cause. A committee has been appointed to work out the preliminaries.

This development may eventually lead to an even more widespread plan which would give employees in production and distribution departments, east and west, an opportunity to make some sort of contribution, now that the initiative has been taken by heads of all picture companies.

Another movement which will raise a considerable amount of money for refugees is the Motion Picture Art Fund for the Relief of German Refugees, organized last week by heads of motion picture art and publicity departments. This movement is to be coordinated also with the major theatre drive.

A half dozen committees have been appointed by the Art Fund organization, finance committee, three publicity committees, a ticket committee and an executive committee which will be composed of heads of all committees. The drive to sell (Continued on page 54)

TELEVISION IS 10 YEARS OFF, SAYS LEVY

Philadelphia, Nov. 29.

Television, as the public expects it, let alone not being here isn't even around the corner, Dr. Leon Levy, prez of WCAU, told VARIETY yesterday. Fact is, he declared, it's at least 10 years away. That's why, the leading manufacturers and laboratories, he is surprised at recent statements of industry leaders. These statements have resulted in cutting down sale of ordinary receiving sets, reacting harmfully to all radio.

Of course visio is possible here now, just as it is in England, Levy said, but the American public is not going to be satisfied with it and it is not going to benefit the budding industry to come out with sets at the present time. Public, he declared, expects visio to be just like the motion pictures—and it isn't that way yet. What's even more vital than television, in Levy's estimation, is a shift from present sound bands to ultra-high frequency, for whatever happens in visio he feels that there will be no serious changes in radio programs as they are today.

Double-Featuring Debts Cuts Into Maestros' Take

Bandleaders catering to the society party field have had available dates cut considerably with the widening this year of the practice of dual presentations of debts. Supplying dancemanship for the coming-out shindigs has been a lucrative source of revenue for batoneers.

Doubling up on 'official' introductions is not new. It's simply more popular this season.

Cantor's Quip, Publicized By President, Was Turned Down by Radio Sponsor

Now widely publicized front-page Thanksgiving greeting by Eddie Cantor to President Roosevelt—'rather carve a turkey today, than carve up a map'—was first proposed by the radio comedian to his Camel cigarette sponsors, but the William Esty agency observed that 'some people mightn't like that.' Accordingly it was kept off his air show last Monday (21). In course of that week, Cantor says he sent the President his Thanksgiving greetings, just like any other citizen.

Chief Executive, in quoting the aphorism, referred to Cantor as 'my very good friend, the comedian.'

Long an ardent admirer of the President, Cantor had been plugging F.D.R.'s pet charity, the Warm Springs (Ga.) foundation and will again this winter take a leading hand in a general theatrical salute to the President's Birthday Ball with a combined gala broadcast on both NBC and CBS networks Sunday night, 10-11 p. m., on Jan. 22. This precedes the President's birthday Jan. 30, which will be celebrated, however, with the series of charity dances on Jan. 28, because of the more advantageous Saturday night that falls on.

Warnerites to Continue Prod. Plans For '39-40 on Coast After Jan. 1

Discussing production plans for the 1939-40 season only generally at meetings in New York Sunday and Monday (27-28), Warner Bros. executives will defer final decision on number of pictures to be made, type, etc. until after the first of the year, when conferences in connection with will be held on the Coast.

At that time Grad Sears will go West, arriving in Hollywood around Jan. 15, armed with opinions gathered by the WB distribution head on a tour of the company's exchanges, for general discussion. Sears left yesterday (Tues.) on the tour but will probably interrupt it for Christmas, going out again immediately after New Year's to cover certain spots on the way West.

Understood one of the reasons for deferring production, sales, merchandising and other '39-40 plans until later is that Warners want to see what is going to happen on self-regulation plans now before the industry.

Two-day meetings in New York were attended by Jack L. Warner, back from England; H. M. Wallis, called east for the holiday; Sears, Major Albert Warner and S. Charles Einfeld.

Declared that the rental return to WB this week on 'Angels', dating in 216 spots, will be around \$325,000. Warner bought a story property while in England, 'Called Back', by Paul Conway, British novelist, which may go on the 1939-40 program.

Studio chief, Warner, Einfeld and Wallis are scheduled to leave here for Coast on Friday (2).

On his arrival from Europe last week, Warner stated there will be no pictures produced in France because the company cannot get enough revenue out of that type of picture. The Warner British company will show a sizable profit this year, according to him. Out of the British lineup of 16 now being produced, one will be brought over for distribution in the U. S. It is 'They Drive at Night', starring Max Miller, English comedian, produced by Emyln Williams.

Educational Reflects, But Meantime Nothing New on GN's Setup

Officers of Educational Pictures, Inc., were re-elected at a meeting of the board of directors Nov. 23 in New York. The business was transacted by the board; Earle W. Hammons is president; Bruno Weyers, v.p.; T. R. Williams, secretary and treasurer; and Harold Sachs, assistant treasurer.

Hammons officially confirmed appointment of Jeffrey Bernard as one of the officers of the new Grand National company being formed to distribute 'GN' product in the United Kingdom. GN is an Educational affiliate British sales will be under supervision of Bernard and Edward R. Russell, managing director of the present English subsidiary, Educational Films Co., Ltd.

Hammons and Franklin Warner, of Fine Arts, have announced nothing new since Warner's outfit withdrew and Warner, on his part, is making no comment until legal papers, providing for the takeover by the new people, whoever they may be, are finally signed.

Up to the time Warner left for the Coast Friday night (25) documents had not come from Fine Arts' attorneys in New York. Cravath, DeGersdorff, Swaine & Wood. Warner was due to return to New York last night (29) by plane and signatures may finally go on today. This may account for reluctance of Hammons to comment on the new company.

Jack H. Skirball, GN vice-president in charge of production, has appointed Adele Gutman Nathan eastern story editor.

De Sylva Starts 'Mother'

Hollywood, Nov. 29. Sunday De Sylva started work at RKO yesterday (Mon.) on 'Little Mother', a story he bought three years ago in France. Ginger Rogers has the femme lead.

Jason Joy Inherits Bill Dover's Chores

Hollywood, Nov. 29. Jason Joy took over the supervision of assignments for writers and directors at 20th-Fox, a job formerly handled by William Dover, who resigned.

New chore is an addition to Joy's regular task as chief executive of the studio's public relations.

Korda May Divide His Time Between London and H'wood

Alexander Korda next week takes the first step, in what may turn out to be eventual resumption of picture making in Hollywood, when the producer sails Dec. 3 for New York and Coast. Korda recently advised UA partners of his intention to make at least one picture in America, starring Merle Oberon, and his trip is for the purpose of lining up script and cast preliminaries. Korda will produce and direct it himself.

Now that he has been relieved of the responsibility of keeping the Denham plant in England, occasionally occupied by independent producers, the Denham and Pinewood studios having recently been merged by their financial backers, Korda may be inclined to make at least half of his annual London Films lineup each year on the Coast, and the other half at Denham.

Korda's last production in this country was 'The Private Life of Helen of Troy' in 1927 for National, with his wife Marie Corda starred. In all he produced 10 pictures in Hollywood for Fox and First National.

G. J. SCHAEFER'S FIRST TRIP TO RKO STUDIO

Going west on his first official trip, but probably just to get lay of the land, meet the production forces and for general looksee, preparatory to trip later with other eastern executives, George J. Schaefer, president of RKO under 77s, had planned going out with Schaefer, but are deferring their trip until later, probably shortly after Jan. 1, at which time Schaefer will no doubt make another trip west.

President RKO Distributing, KAO and E. F. Keith Corp., who is expected to be named president of the parent company, RKO Corp., on emergence from 77s, possibly before Christmas, doesn't know how long he'll remain in Hollywood on this trip, but probably not for more than two weeks, maybe less, being back here for the holidays.

Thornton With Small

Hollywood, Nov. 29. C. W. Thornton has signed as executive business manager of Edward Small Productions, resigning his current job as secretary-treasurer of Grand National studios. Small has a heavy production schedule, with 'King of the Turf' in work and three more slated on the 1939-39 program for United Artists release.

Other News of Interest to Films

Mexico spurns Italian film.....	Page 11
'Snow White' nixed in Holland.....	Page 11
Yank film companies preparing to wash up in Italy.....	Page 11
Lux bans audiences.....	Page 32
WB 'Adeline' case settled.....	Page 39
New cast reviews: Eric Blore, Roy Rogers.....	Page 45
Broadway's script shortage.....	Page 47

Storms Dent 6%

Snowstorms and unseasonable cold weather, blanketing most of the country and extending deeply into the south, are vitally affecting picture grosses.

While the east is hurt more than other parts of the country, the average from Thanksgiving Day through the weekend shows business to be about 6% under the same period last year, including the holiday. On Thanksgiving day itself when the first of the snow and cold arrived, grosses were about 7% under that shown for the same day last year.

Friday (25) was also badly generally but notably in the general east and New England, while Saturday showed some improvement and Sunday wasn't so far behind normal. On the four days (Thanksgiving through Sunday), the result was an average dip of around the 6%. Second heavy fall of snow in widely spread areas came too late Saturday night (26) to do much harm.

OCT. 1938 AMUS. TAXES \$370,251 BEHIND '37

Washington, Nov. 29.

Erratic trend of theatre business this year sent boxoffice receipts and Government revenues skidding again in October. Latest U. S. Treasury report on tax collections, issued last week, shows September patronage dropped to the fourth lowest level in nine months and put the Government's share of the take still farther behind 1937.

October payments to the Federal treasury were \$1,598,366. This was \$72,461 less than the Government took in September and smaller than the total for any months except January, April, May and August.

Industry's gloom was deepened when comparison of official figures showed patronage has been behind 1937 standards in eight of 10 months in the present calendar year, and the drop in October was the largest since July, 1935. The total for October, 1938, is \$370,251 behind the same stanza of 1937 and this slump tops the previously biggest 1938 drop—in June—by nearly \$120,000.

Only bright spot in the picture is that the September-to-October dive is the second smallest of six declines so far this year on a month-to-month basis. The \$72,461 retreat was considerably smaller than the decrease in January, April, May and August.

On the accounting basis used by the Government statisticians, year's revenues from the 10% bile to date are \$15,855,827, which is \$785,600 behind the tenmonth total for 1937, and \$998,609 better than the corresponding portion of 1936.

N. Y. to L. A.

Bob Berry.
Jane Bryan.
Arthur W. Eddy.
Mr. and Mrs. S. Charles Einfeld.
Mr. and Mrs. Y. Frank Freeman.
Mrs. Anatole Friedland.
Cary Grant.
Robert M. Gillham.
Carl Haverlin.
Cecil Humphreys.
Ted Husing.
Dudley Nichols.
Ira Phillips.
M. J. Rockard.
George Sherman.
Hal B. Wallis.
Mr. and Mrs. Jack L. Warner.
Gloria Whitney.

UA's 20-25% Distrib Terms to S-I Look the Best So Far to J. H. Whitney

Jed Harris on Deal To Film 'Our Town' at RKO

Hollywood, Nov. 29. Jed Harris is dickering with Pandro Berman for the filming of his Broadway legit show, 'Our Town', at RKO.

If the deal goes through, Harris will produce the picture.

Forest Fires Darken, Spray Location Crews, Three Films Stalled

Hollywood, Nov. 29. Forest fires in surrounding hills and canyons cast a pall of smoke and ashes over Hollywood and caused the suspension of work on three pictures. Homes of many film celebrities were threatened but none seriously damaged.

Near Calabasas, where smoke was thick, Warners called off shooting on 'Okla. Kid' and 'Dark Victory', both on location at the company ranch. Cameras were shuttered on 'Newsboys Home' on Universal's back lot, due to drifting ashes.

Heaviest damage incurred to members of the film colony was at Arrowhead Springs, where the \$350,000 hotel recently purchased by Joe Schenck, Darryl Zanuck and their associates, was completely destroyed. It was a favorite camping ground for picture people. The loss was covered by insurance. Besides, the company had decided to build a new hotel before the fires started.

Home of the late Will Rogers, threatened for a while, was saved from the flames, although trees and shrubbery were destroyed. Damage in the area surrounding Hollywood was estimated at \$5,000,000.

Two New Metro Stars

Hollywood, Nov. 29. Latest additions to stardom at Metro are Hedy Lamarr and Judy Garland, both carried on the featured player list.

Miss Lamarr shares starring honors with Spencer Tracy in 'I Take This Woman', and Miss Garland gets top billing in 'Wizard of Oz.'

ARRIVALS

Mr. and Mrs. William A. Seiter (Marion Nixon), Marlene Dietrich, Cary Grant, Phyllis Brooks, Stephenie, Romá June, Hugh Huxford, Elsie Hakim, Marian Anderson, Kosti Vehanen, Greta Keller, Gladys Henson, Moya Nugent, Kenneth Carten, Penelope Dudley-Ward, Maudie Andrews, Rosemary Lomax, Angus Menzies, Clifford C. Fischer.

SAILINGS

Dec. 3 (London to New York) John W. Hicks, Jr., Alexander Korda (Normandie).
Dec. 2 (London to New York) Kimberly and Page (American Merchant).

Nov. 26 (New York to London) Mr. and Mrs. Douglas Fairbanks, Greer Garson, Miles Bouveng, Philippe Cotnam, Edward Kennedy, Therese M. Bonney, Lillian Mowrer, Jacques Deval (Normandie).
Nov. 26 (London to New York) Clifford C. Fischer (Queen Mary).

L. A. to N. Y.

Kenny Baker.
Ed Beloin.
Jack Benny.
Myrt Blum.
Frankie Burke.
Sally Eilers.
Don Gilman.
David Hand.
William J. Heinemann.
Mary Livingstone.
Bill Morrow.
Jane Murn.
Kay Marjorie Noble.
Gabriel Pascal.
Charles Powers.
Hunt Stromberg.
Kenneth Thompson.
Bill Walters.
Franklyn Warner.
George White.
Don Wilson.
Mr. and Mrs. Adolph Zukor.

John Hay Whitney, back from Europe, does not expect the status of Selznick-International Pictures to be settled immediately, although United Artists has offered a two-year straight distribution deal on a 20-25% basis. S-I has been paying 30%.

Propositely looks okay and Whitney is well disposed toward acceptance. Only reason it isn't closed now is Whitney's belief United Artists is not prepared to actually consummate its offer at this moment and, in addition, Whitney and Selznick want more time to think it over.

Whitney will hit the Coast on Jan. 1 for ultimate decision out there. He denied that Dave Selznick had been offered a one-sixth partnership in UA, nor is he interested in such an arrangement. Selznick return to the Coast on Monday (28). The straight percentage arrangement to handle the Selznick product is the best one that has been offered to date and in all probability that is where the pictures will go, says Whitney.

Orson Welles Deal. Selznick states he is definitely out of the negotiations for 'Abe Lincoln in Illinois'. He has been approached by Orson Welles for latter to do a condensed version of 'Rebecca', the Daphne Du Maurier book he bought for pictures on the Mercury Theatre of the Air program. He is not averse to letting him do it, considering it in the light of good exploitation. Details are being worked out by the New York office, and Welles.

Regarding the distribution deal, Selznick stated he will probably accept for pictures on the Mercury Theatre of the Air program. He is not averse to letting him do it, considering it in the light of good exploitation. Details are being worked out by the New York office, and Welles.

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First Par Pic Under Wages-Hour Law Comes In Double-Quick Time

Hollywood, Nov. 29. Not a minute of overtime was recorded in Paramount's 'Bulldog Drummond's Secret Police', the first picture to be made wholly under the wage-hour act.

Director James Hogan started shooting the day the law became effective and finished one day ahead of schedules.

Considine Stays at MG; Nat Levine Joins Studio

Hollywood, Nov. 29. John Considine, Jr., finally settled his salary argument with Metro and re-signed to continue as producer. His last picture was 'Boys Town'. Currently he is without assignment.

Nat Levine moved into the Metro studio where he is under contract to produce several pictures. He had been housed temporarily on the Selznick-International lot, for producing stories. Levine is currently putting the finishing touches to 'Secrets of a Nurse', his first Metro production.

'Mutineer', 'Beamish' On WB Prod. Docket

Hollywood, Nov. 29. 'Mutineer', a pirate yarn by Allan Vaughan Elston, was bought by Warners as a starer for George Brent and docketed for production early in January. Hal Wallis also docketed 'Dr. Beamish', Walton Greene's story, for an early start with Jeffrey Lynn featured.

With 15 features completed and seven currently in production, Warners will launch seven more before Jan. 1.

DUDLEY NICHOLS BACK

Originally sent east to work with Rouben Mamoulian on 'Golden Boy', Harry Cohn, prez of Columbia, has SOS'd Dudley Nichols to come back to the Coast and work on the script at the Columbia studio. Mamoulian, who will direct, continues his sojourn in New York.

John Garfield will probably do the Luther Adler role and Jean Arthur the part created by Frances Farmer on Broadway.

'CONSENT' PUT IN FILMS' LAP

WB Overturing Herb Elliott To Settle His Philly Anti-Trust Suit

Philadelphia, Nov. 29. Herb Elliott, operator of the Fern Rock theatre, who two weeks ago filed a monopoly suit against eight major producers and their affiliated distributing and circuit-operating corporations, demanding a better run on product for his house, has obtained quick action. Warner Bros., whose circuit controls the flow of product to Elliott, is prepared to make overtures for an out-of-court settlement, it was learned yesterday.

Elliott's suit is so all-inclusive—it's practically a duplicate of the one recently filed by the Government in New York—has so many angles that the Warner Circuit and every major exchange would have to reveal all of its books, records and contracts. Preferring anything to allowing exhibitors and the general public in on the deals between the exchanges and the Warner circuit, all of the defendants are willing to please Elliott. What makes them hesitate at all is the fear that every other squawking exhib will hop in with a legal battery and make demands.

Another angle involved is that Elliott in his suit asks divorcement of the WB circuit. Elliott's attorney is Harry Shapiro, who just last week was elected Democratic floor leader of the Democratic-controlled legislature. Shapiro has threatened to introduce a divorcement bill at the next session. Long a fighter, Warners know that it is not at all impossible that Shapiro will do as he threatens. So it is far from WB's desire to give him reason for thinking that they are anything but meek lambs willing to be shown.

Encores
Other indies are understood to be already preparing suits similar to Elliott's against Warners. William Gossel, operator of the Grandbox, and Leo Posel, of the Crest and Regal, are reported confabbing with attorneys.

Second hearing in Elliott's case was held before Judge George Welsh, in U. S. District Court, last Wednesday (23). It was on the plea of the Fern Rock operator that WB had morally breached an order by the court in its original hearing, guaranteeing Elliott clearance on three p's agreed on by counsel. He maintained that Warners had substituted in their Lane Theatre another picture due him for one of those mentioned in Judge Welsh's order. Counsel again agreed that a temporary settlement could be reached without going into full detail in court and the Judge acquiesced. He set another hearing for Thursday (1) in the event that counsel cannot get together on an arrangement of the original temporary injunction granted Elliott. In the light of later developments this hearing will probably not be held. The trial, if there is one, will be in January, Judge Welsh indicated, when he will be free for the two weeks that Shapiro estimates presentation of the case will take.

COSTLIEST TEMPLE NOW AT \$1,300,000

Hollywood, Nov. 29. 'Little Princess' will be the most expensive Shirley Temple picture ever made. Darryl Zanuck, after viewing a rough cut of the film, ordered \$300,000 more spent on musical numbers and outdoor footage. Film originally budgeted at \$1,000,000.

Gangway for the A's

Ahead on its lower-budget schedule, Universal is side-tracking all B productions in the next four weeks to keep the stages clear for four A pictures.

High-bracket films are 'You Can't Cheat An Honest Man' (Son of Frankenstein), 'Three Smart Girls Grow Up' and 'East Side of Heaven.'

Hays Doesn't

Hollywood, Nov. 29. Official boiling point for film titles is the crux of the argument between Paramount and the Will Hays office over the forthcoming 'litterbug' picture, 'Some Like It Hot.'

Hays purifiers thumbed the title as, too hot romantically, while Paramount execs claim the heat is purely musical, pertaining to swing rhythm. Studio is using the tag until final decision is made.

See Small Chance For Allied-B&K Suit Settlement

Chicago, Nov. 29. With little possibility of a deal on the horizon, the Allied suit against Balaban & Katz and the major distributors is due to get under way Dec. 15. There had been some talk of a settlement out of court by adjusting the clearance time on the pre-release houses, but Allied is more anxious to obtain an agreement doing away with double features, which it considers a prime factor in the current industry struggle.

Dec. 15 is recognized as the limit date for the defendants to make answer to the charges. Federal Court Judge James Wilkerson has gone on record as insisting that the trial actually get going Dec. 15 and that he will not permit any further postponements on the part of the defendants.

U.S. vs. B&K Under Way
Preliminary wrangling and discussion on the Government's suit against Balaban & Katz and seven major film distributors got under way here yesterday (Monday) with the legal lights on both sides tossing verbal darts at each other. Defendants came through with requests for more time and for a bill of particulars from the plaintiffs. Plaintiffs brought in a motion to impound the books of the defendants to be used as evidence.

Judge ruled that the various motions will be heard and decided tomorrow (Wednesday) and indicated that the case will get going in earnest on Thursday. Issued orders to both sides to be prepared to bring their witnesses into court on that day.

General trade leaders around here are indicating slight interest in the proceedings of this case, which appears to be a field day for attorneys, with lawyers popping, out of the walls. There is an opinion around film row here that the local case is merely a leader on the national film suit and that the Chicago case will be used merely as a trial horse to that end. It is looked upon as being considerably less important to the future of local show business than the suit brought by Allied against B&K.

ANOTHER \$27,500 FOR RKO SPECIAL MASTER

George W. Alger, who had the job of special master in the RKO reorganization hearings, was allowed an ad interim fee of \$27,500 for his work by N.Y. Federal Judge William Bondy Friday (26). In his application for the allowance, Alger itemized 131 days of work, six hours daily, over the period from Nov. 30, 1936, to date.

Final hearing on the confirmation of the new plan has been set for Dec. 2 by Judge Bondy.

SEE U. S. EASING 'TOUGH' ATTITUDE

Changed Stance by Justice Dept.'s Arnold — However, Opening of Negotiations Must Come from the Film Industry

BACKING DOWN?

Washington, Nov. 29. Prospects for negotiation of consent decrees in the film anti-trust proceeding between New York were seen as improved this week following change of attitude on the part of the Justice Department's trust buster, Assistant Attorney General Thurman G. Arnold.

Despite assertions the New Dealers are not backing down, observers felt the chances of reaching an early settlement and ducking prolonged trial have been boosted by Arnold's newest explanation of Governmental policy. Latest general objective of drive against monopolies is to fix a line of precedents that will guide business-men and give them a clearer idea of what they can do without infringing the Sherman and Clayton acts. Series of consent decrees in major cases will be attempted, although the Justice Department still maintains it cannot make overtures and puts the responsibility for initial moves toward truces on respondents in court cases.

Nothing specific was said about the film matter when Arnold held one of his frequent press conferences in response to clamor for an opportunity to clear up confusion about the principles being followed in the assault on big corporations and alleged conspiracies. General tenor of the remarks, however, was conciliatory, even though the head of the anti-trust division reiterated determination to seek money from Congress for expansion of his trust-busting forces.

In conformity with past pronouncements, Arnold continued to rule out the idea that office huddles can straighten out the application of anti-trust laws and insisted that formal procedure must be followed in fixing the limits beyond which industries cannot go. Consent decrees, he explained, are binding upon the parties and serve as dependable guide-posts since they are public. Old custom of privately advising industrialists whether their actions or contemplated moves would violate the statutes, on the other hand, is underlined.

(Continued on page 23)

KEN THOMSON FLIES EAST ON '1 BIG UNION'

Hollywood, Nov. 29. Ken Thomson, executive secretary of the Screen Actors Guild, planned east today (Tuesday) for discussions looking to the formation of 'one big union' of crafts affiliated with the Associated Actors and Artists of America.

He will also direct SAG negotiations with eastern producers.

Regular Meeting Dec. 12
Regular Four A's board meeting is scheduled for Dec. 12, but a special session will probably be held before that.

While in New York, Thomson will also confer with Mrs. Florence Marston, the Guild's eastern rep, about the contract situation in the local territory. Number of studio contracts are due for renewal and several other matters require consideration. Thought likely that there will be little activity in the east regarding the Guild's talent agency stand. Since casting in the east is mostly an extra problem, there is little agency business. Firmed the Guild at this end will merely carry out whatever regulations are set by the senior Guild on the Coast.

Film Producers File Elaborate Briefs Demanding Particulars From U. S. in Its Anti-Trust Suit

'Par Presents' Now

Missing from screen title sheets after Jan. 1 will be 'Adolph Zukor presents', which led off Paramount Pictures for a quarter century. Studio will take the introductory credit. Studio grapevine has Stanton Griffiths displacing Zukor as board chairman before the spring.

Zukor, Hicks, Jr., To Huddle in N.Y. On Foreign Status

Huddles on the British and Continental Paramount situation into which Adolph Zukor projects himself are to be held in New York with Zukor and John W. Hicks, Jr., as principals rather than in London, as originally planned, with Hicks having decided to return here at the earliest possible moment. He sails from England Dec. 3.

Meantime, Adolph Zukor, who was due in east on Monday (28), has deferred departure from the Coast a week or thereabouts to coincide with Hicks' arrival in New York. He missed the Par board meeting scheduled tomorrow (1), but is not expected to leave Hollywood until Y. Frank Freeman, new studio head, gets in.

Freeman pulled out Monday night (28) and takes immediate charge at the studio on arriving there. He goes out alone, taking no one from New York excepting his family. Frank Freeman, Jr., however, does not leave for a couple weeks, staying on here on personal matters. H. is interested in learning production.

A farewell dinner was tendered Freeman Sunday night (27) at the Waldorf by executives of the company. Theatre partner-associates, including Frank C. Walker, of Conover and Sam Pineski, New England operator, were present. Latter acted as m.c. About 40 attended. Austin C. Keough made presentation to Freeman of a large silver cigar humidor. Speeches were few and brief.

N. L. Nathanson, president of Famous Players-Canadian, who came down to see Freeman prior to his departure for the Coast, left for Toronto Monday night (28). Other partners had previously been in.

Although on the Coast a few weeks ago, Bob Gilliam pulls freight for the west again today (Wed.) to clean up campaign discussions and other matters that he was unable to complete on his last trip. He'll be back in time for Christmas.

Hollywood, Nov. 29. Adolph Zukor deferred his departure one week, leaving Dec. 2 to take up his new job as head of Paramount interests in Europe.

Y. Frank Freeman is expected here Dec. 1 to establish his permanent home office contact post.

Hicks Sails Dec. 3
London, Nov. 29.

John W. Hicks, Jr., sails for New York Dec. 3. He will spend the holidays with his family there, returning to England shortly after the first of the year.

Adolph Zukor is planning to accompany Hicks when he returns to London.


Briefs were filed Monday (28) in Federal court, N. Y., in support of a motion by defendant picture companies in the U. S. anti-trust case, seeking more definite statement of the allegations of the Government petition and for a detailed bill of particulars.

In a memorandum in support of defendant's motion for particulars, which cites numerous cases at law, the major film companies hold that a bill of particulars should be ordered: (1) to enable the defendants to answer and prepare their defense without needless expense; (2) to aid the court in an orderly and expeditious disposition of the case; (3) to clear up ambiguities, uncertainties and indefiniteness in the petition, and (4) to prevent surprise.

Defendants claim that their right to a bill of particulars, and the authority of the court to order it, are not diminished by the fact that a conspiracy is charged. It is also claimed that the bill of particulars should be ordered even though defendants may have general knowledge of the facts and that particulars should not be denied because some disclosure of the Government's evidence may result.

Lengthy argument in support of the specific requests made is contained in the memorandum, appendix to which cites numerous Government cases in considerable detail. A total of 35 different requests in connection with a bill of particulars is listed. These requests are in considerable detail and range from definition of terms used in the Government petition to names of theatres throughout the country, which are described as first-run metropolitan theatres. Cases at law to substantiate requests made are included in the brief.

Defendants lead off with item No. 1 which asks whether petitioner charges a single monopolization or separate monopolizations, attempts to monopolize, etc., this request being held necessary because of the failure (Continued on page 15)



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Mechanically OK, but Eyestrain Too Great, BBC's Television Of a Stage Play a Milestone

London, Nov. 20.

BBC's attempt to televise an entire stage play exactly as given in a theatre before an audience, was carried through okay from the mechanical side, but was too tough a strain as spread over two hours and 25 minutes. Play was J. B. Priestley's 'When We Are Married,' at St. Martin's theatre.

Spot, at which experiment wobbled was the great difficulty viewers had in concentrating attention for so long a period on the small screens of their home televisions. It is on this point, seemingly, the whole issue of whether there is a future for direct-from-theatre visio plays will hinge. It was a successful novelty, with BPT engineers rating praise for superb handling. Reflecting, too, courage of Basil Dean and Priestley in giving chance to a potential competitor.

One to derive intense pleasure from the stunt was Priestley himself, whose pleasant squib of a play was the ideal subject to try out this way. It was played in a single, unpretentious set, with never more than four or five characters in the action at one moment, and though the full sweep of the stage, which the audience sees, was missing, the effect was exactly that of a film, except where the curtain fell for the intervals.

Further factor that materially aided the atmosphere was the audience response which came through the home sets, so that viewers felt they were also participating in the actual show. The exact contact of human personalities, as between actor and audience, might have been lacking, but this was the next best thing. Priestley, who spoke from the studio following the broadcast, made this same point. He was interested, said he, to see the way in which the play's qualities of fun, zest and enthusiasm of the audience came through on the screen.

As seen by Vasquez, show came through at various stages on three separate Baird receivers, varying in size of picture from 7 1/2 in. by 4 1/2 in. to 13 1/2 in. by 11 in. Medium console model gave best reception of the lot, making an effective compromise between the brilliance and clarity of the smallest model and the less clear definition of the big one on the one hand and the large, easily watched big screen on the largest model and the comparatively tiny, and tiring image of the smallest.

Television Rights

Fully Covered in WB Contract, G. E. Told

General Electric last week sought to go over the head of Warner Bros. to get permission to telecast a short subject made by Ray Kinney, leader of a Hawaiian orchestra. Rep for the manufacturer explained that it would like to use a Kinney reel in one of its television experiments. Approach was made through the leader's agent, Rockwell-O'Keefe, Inc.

Booking office advised the inquirer that the contract Kinney made with Warner Bros. for his shorts specifically stipulated that the producer controlled the television rights.

COL'S 1ST QUARTER NET LOSS AT \$233,612

Net loss of \$233,612 for the first quarter of the company's fiscal year was reported by Columbia Pictures this week. The quarter ended Sept. 24. This loss compares with earnings of \$147,311 for the first quarter in 1937. Gross income for the first quarter this year was \$4,489,700.

Columbia's earned surplus dipped from \$4,098,680, as of June 25 this year to \$3,787,824 on Sept. 24, but ratio of current assets to current liabilities was eight to one. Working capital amounted to \$10,740,000 of which about \$2,300,000 was in cash.

Parish's Divorce Suit

St. Louis, Nov. 29.

George Imboden Parrish, former St. Louis now a Hollywood film actor, was sued for divorce Friday (25) in the St. Louis Circuit Court by Elizabeth Parrish. She charges general indignities and alleges she was deserted last September. The couple were married here April 29, 1933. Parrish, 28, was a former medical student before joining the film colony.

He did parts in the 'Pacemaker' series and more recently appeared in a Barbara Stanwyck pic, 'Always Goodbye.'

VISIO ALREADY SEES UNION PROBLEMS

Although practical television is still in the future, it already looms as a jurisdictional battleground of various talent organizations. Much will depend on what form commercial television takes when it does arrive, but several of the performer unions are maneuvering to step into the field regardless. Matter has already come into the open in the Associated Actors and Artists of America, parent union of all performers in show business, and is slated for further consideration within the next few months.

Those watching the television horizon most carefully are the American Federation of Radio Artists, the Screen Actors Guild and Actors Equity (all four A's members), the American Guild of Radio Announcers and Producers, as well as the Authors League of America and the various technical unions. Latter include the International Brotherhood of Electrical Workers (AFL), the American Communications Assn. (CIO) and the American Broadcast Technicians (unaffiliated).

Equity's Claim

Matter of television jurisdiction came into the open last summer when Equity published an editorial in its monthly magazine, claiming it had always possessed such jurisdiction and serving notice that it intended to retain it and exercise it 'when the time comes.' At the time the move was regarded as a direct slap at AFRA, which was then in the midst of negotiations with the networks for a sustaining contract. In any case, it was pointed out, no union had ever had jurisdiction over performers in television and any such representation would be assigned by the Four A's. Doubtful that any jurisdictional fight will occur while television is still in such a nebulous state, but it will undoubtedly be a factor in the constitutional revision which Four A's heads are seeking to put through in the next few weeks.

Authors League of America, which as parent organization of the Authors Guild, Dramatists Guild, Screen Writers Guild and Radio Writers Guild would presumably represent the writers in television, is at present merely watching the situation.

It has been observed by various writers that, if the picture companies actually do intend to move into television when the time comes, they are taking shrewd steps in preparation. Since the new medium would presumably require a tremendous supply of literary material, the Hollywood studios are quietly building up a high library of such works.

Lady Known as X

Hollywood, Nov. 29. 'Mysterious Miss X' got under way at Republic with Chick Chandler, borrowed from 20th-Fox, teamed with Michael Whalen. They worked together in the Camera Daredville series at 20th-Fox.

Mary Hart is the femme lead and Herman Schlom directs.

Alice Brady's Agcy Case; Claude Allister Also Sued

Los Angeles, Nov. 29.

Alice Brady asked superior court to order an accounting by the Small Co. of her earnings and expenditures over a five-year period. Actress also asked the court to decide the status of her managerial contract with the agency. She cancelled it last Aug. 20, five months after it had been renewed for seven years, but Small Co. refused to accept discharge.

Thelma Weisser, agent, filed suit for \$12,025 against Claude Allister, claiming the actor broke a five-year agency contract. Agent demands 10% of Allister's estimated earnings during the balance of time covered by the pact.

BBC's \$4,000,000 In Visio So Far, Without Any Income to Date

London, Nov. 18.

Total outlay up to this time by BBC on its visio service is in the region of \$4,000,000, and nothing to show on the credit side of the ledger. Capital expenditure is \$680,000 and revenue expenditure, covering programs, staffs, engineering and depreciation, is \$3,300,000. Corp is that much in the red because it gets no additional income for the service, visio reception being covered by normal annual radio license of 10 shillings (\$2.50).

Television Advisory Committee from time to time reconsiders whether special license should be introduced. Postmaster-General Tryon in the House of Commons doesn't think that course would be desirable at visio's present stage of development. Meaning probably the manufacturers would squawk because it would be a check on set sales, which aren't so rapid as had been hoped, anyway.

CLEVE'S ANTI-NAZI FILM DEMONSTRATION

Cleveland, Nov. 29.

Mob of pickets stormed the Socialist Turnverein theatre when the German consulate sponsored a program of Deutsch pictures showing the entry of German troops into Sudetenland. It was the first local anti-Nazi demonstration affecting a theatre, but staged in an orderly fashion.

Pickets who jeered visitors represented the American League for Peace and Democracy as well as the Committee for the Support of Czechoslovakia. Leaders of both organizations announced they were starting an anti-Nazi campaign against several 'un-American' neighborhood theatres which are smuggling in Nazi pictures for select audiences of German sympathizers.

STEFFES' SWITCH

Sees New Minn. Political Setup As Favorable Factor

Minneapolis, Nov. 29.

Expanding his assertion that the Republican victory over the Farmer-Labor party in the recent state election improves Northwest Allied's prospects of obtaining enactment of a theatre divorce law compelling the Paramount circuit to divest itself of its 85 Minnesota theatres, W. A. Steffes, Northwest Allied president, denies that the Farmer-Laborites were lined up for and the Republicans against at the last legislative session when a divorcement bill came before the committee.

On the other hand, Steffes asserts, the Republicans and Democrats were lined up solidly for the measure, while the Farmer-Laborites were split. He attributes failure of the law to be enacted by the last legislature to Farmer-Labor opposition. In reply to a questionnaire about his organization sent to all candidates prior to the recent state election, says Steffes, 'we received pledges from 49 out of 67 state senate candidates to vote for the divorcement bill. Several other senate members, who voted for the bill, and committee and for the special order to have it reported out at the last session, have telephoned stating their position has not been changed. 'With a poll overwhelmingly in favor of the bill, we feel confident of victory at the next session of the legislature early in 1939.'

Academy Giving Television Its Serious Consideration; Committee To Present Findings to Film Biz

Bing's Bangtails Bumped

Hollywood, Nov. 29.

Clash in dates between Bing Crosby's race track at Del Mar and the California State Fair is to be arbitrated by the State Racing Commission.

Fair directors set Sept. 1-10 as dates for 1939 and asked the commission to prevent racing at Del Mar during that time. Crosby and a group of picture people are having plans drawn for a sports center at Third and Fairfax in the Wilshire district. Year-around athletic event will be staged. Associated in the venture with Crosby are Walt Disney, William LeBaron, Wesley Ruggles and G. A. Richards, radio magnate.

CANTOR-SAGALL TELEVISION BY JAN.

Considerable progress has been made in plans of Eddie Cantor and Solomon Sagall of Scophony Television (British) to form an American company for sale of Scophony receiving sets and licensing programs under the system. Cantor states it looks as if the new company would be an actuality by January, and he and his financial backers are now setting the management and board of directors as well as details of participation in the World's Fair in April.

Sagall has postponed his departure for England and will remain in N. Y. until the American deal is closed, which should be in January.

Griffis' Sponsored Television Sports Plans from M.S.G.

Television on a modest scale in the New York territory looms as a possibility as soon as a sponsor is assured that a certain number of sets will be in use in households of this area. Present talk associates Paramount with the first attempt at a sponsored television program, with newsreel telecasts of sports events and shows in Madison Square Garden a possible source for television broadcasts. Stanton Griffis' official connection both with the Garden and Par lends credence to idea.

It is no secret in the trade that the Paramount newsreel already has been apprised of television possibilities and the part, as a newsgathering, highly trained agency, it might play in the development of Par's own television system. Executives from the reel have gone through the laboratory in New Jersey, watched the sets in operation and have been supplied other details.

Griffis in his initial statement from the Coast touched on how the present newsreel facilities would be coordinated and made applicable to any place or event found suited for telecasting. Possibilities of offering a group of sporting events to a sponsor over a period of six to eight weeks were being discussed in the trade this week, for a tie-in with the newsreel setup.

Metro's Story Buys

Adding to its large collection of story properties, Metro has closed in the east for a number of yarns, two of them by Max Brand who authors the 'Kidnare' stories. New buys are 'Whiskey Sour', recently published in Cosmopolitan and 'My People', soon to be run in that mag. Other purchases include 'Scow Gun Marriage' by John W. Thomson, Jr., recently published in Saturday Evening Post and an original, 'A Lady Comes to Burk Burnett', by James Edward Grant.

Hollywood, Nov. 28. Serious cognizance of television is being taken by the picture industry, with the Academy naming a permanent committee of 20 to weigh its possible effects on the film biz, and to adopt measures to protect the film studio's investments. A substantial fund is sought from producers to conduct investigations, experiments and have machinery set in motion when visio breaks wide open.

Acad committee heads made the first overture to the studios with following recommendations: 'When television comes into own, it may well open vast market for films especially designed for television distribution. Situation is one which calls for continual observation and analysis by industry and to an increasing degree, as events take their course.'

'Accordingly, a Committee of Opinion by the Academy's research council, should immediately proceed to more thoroughly give consideration to the has been undertaken in past of prospective relationships between television and picture production and exhibition.'

'In the opinion of this committee, this investigation should cover artistic, technical, legal and economic phases of the subject. Therefore, in order that future activities may encompass all phases of the subject, committee recommends it be enlarged to include representation from those branches of the industry in position to contribute wider background to its considerations.'

Academy heads predict 16 mm. films will 'tain tremendous importance, once television is ready for the public.'

Divorcement Seen As A Favorable Factor To Hypo Showmanship

Although theatre divorcement presently is entirely up to the U. S. Supreme Court, which will pass on the appeal from the North Dakota law, present trade interest is centered largely on what effect any wholesale divorcing of theatre affiliates from parent corporations will have on the industry as a whole.

Any bill that Congress may pass forcing theatres to break away from the film companies is expected to react and possibly harm certain exhibitors. But the establishment of present affiliated circuits as independent operations promises to insure a revival of theatre showmanship on a scale not known in many years.

Before various theatre groups were taken over and made into extensive affiliated circuits, the individual exploits of certain exhibitor operators, such as Roxy, Balaban and Katz, Mike Siskin and others were the talk of the picture business. Regimented chain operations tended to crimp outstanding showmanship.

Present indications are that Loew's will wage the most bitter fight against theatre divorcement because of setup which sees the film company subservient to the theatre corporation. Thus, Metro is virtually a subsidiary company to Loew's, Inc., under the present corporate alignment.

Rushing Out 'Thanks'

Following sneak preview Monday night (8) at Long Beach, Cal., Darryl Zanuck has ordered the screening in all 20th-Fox exchanges of 'Thanks For Everything' in time for Christmas week when it has been dated for national release. Meantime a few pre-release engagements have been set, including Roxy, N. Y., and Indiana, Indianapolis, Dec. 9; Hipp, Cleveland, Dec. 10; and Rialto, Louisville, and Fox, St. Louis, Dec. 16.

Arlen's Six for U

Hollywood, Nov. 29. Richard Arlen has signed a pact to make six outdoor action pictures for Universal next year. First will start in April, but details have not been worked out.

SELF-REGULATION PLAN SET

RKO Theatre Realignment Under New Divisional Operating Setup

A realignment of divisions and different grouping of theatres under divisional operating heads has been worked out for RKO's metropolitan New York and Westchester houses by John O'Connor, general manager of RKO Theatres, with a view to better centralization of activity and operating jurisdiction.

One of the principal purposes of shifting houses in the divisional set-up to cover RKO's large N. Y.-Westchester circuit is to provide for improved specialization of territories. Where before some of the division operators were forced to jump all over the map in order to cover their houses, now their territories will be more confined.

While much switching of theatres occurs under the new setup effective tomorrow (Thurs.), no additional divisions are created in the circuit, although Larry Grieb, who handled the 58th and 86th St. theatres, moves to Brooklyn to manage the Albee.

Solly Schwartz, who had been managing the Albee and handling the Fordham in the Bronx as well, will take charge of an uptown division including the 58th St., 86th St., Franklin, Fordham, Chester, Empire, Royal and 125th St.

Charles MacDonald relinquishes White Plains, far removed for him, while R. H. Emde, who has had all of the rest of Westchester county, now takes on White Plains, also. Emde for some time also handled Newark. He will also direct Union City, N. J., in the future since that is in the Jersey setup.

In the general move Emde is relieved of the 23rd St. MacDonald is to take this one on in exchange for giving up White Plains. He continues as divisional manager of the Albee (Brooklyn), Palace 81st St., Colonial, Midtown, Yorktown and other west-side houses, in addition to Flushing, L. I., and Richmond Hill, L. I.

Three extra houses MacDonald has handled in Brooklyn, Kenmore, Madison and Prospect, will be taken over by Louis Goldberg, who has up to now had the Franklin, Emde and Royal in the Bronx. The 125th St., which now goes to Schwartz has been in Emde's division, the only house he has had in New York itself.

Boris Morros Due To Leave Studio Jan. 26; No Other Par Changes

Hollywood, Nov. 29. Boris Morros terminates a three-year contract Jan. 26 at Paramount, having been brought to the studio by John E. Otterson on Adolph Zukor's recommendation, who was attracted by Morros' work at the home office. A month ago Morros asked the studio for a new three-year contract, with a pay hike above the \$1,000 weekly he was drawing, but the front office nixed it.

No successor yet, but it's believed Y. Frank Freeman will name the business head to direct the studio's music. Morros came out here originally at \$750 a week. Paramount roster underwent fewer changes in the past two weeks than any time past six months. Only player dropped was James Ellison, with Charles Bickford added. Writing staff remains at same strength with three dropped and as many taken on.

LASTFOGEL IN EAST

Until Jan 5 Or So—Weisbord May Transfer To L. A.

Abe Lastfogel, general manager of the William Morris agency, remains east until Jan. 5 or so, on a periodic visit to the New York headquarters. Sam Weisbord of the N. Y. office may shift to the Coast branch around that time.

Girl Bites H'wood

Trio of radio ingenues appearing on "Two on a Shoestring" program over WOR-Mutual have been offered screen tests by 20th Century-Fox—and none is anxious.

Girls are Peggy Zinke, Irene Winston and Eleanor Phelps. Scout has been to the station a couple of times to get girls uptown to the 20th-Fox plant but they've always made excuses. One, Miss Zinke, refused, stating that very little ever comes of all the tests taken; so she wouldn't bother cutting into her working time.

16 ANGLO-MADE PIX DEAL FOR G-B, 20TH

London, Nov. 29. Negotiations are in the advanced stage for Gaumont-British to make 16 pictures annually for 20th Century-Fox here. Some will be quota films and others super, suitable for both continents.

Smaller product will be made by Gainsborough, Gaumont subsidiary. Shepherd's Bush, closed for the past two years, will be opened for the major product, which includes Gracie Fields' next production.

Robert T. Kane and Maurice Oster will jointly supervise production.

SONGWRITERS GUILD MAY JOIN THE PARADE

Hollywood, Nov. 29. Songwriters' Protective Association Monday (28) night considered proposals to change its name to the Songwriters' Guild and align with the studio Guilds. Steering committee, headed by Jack Yellen, will consult with Guild leaders and report back to membership on advantages in allying with talent groups.

Four members of the SPA, who resigned during a synchronization rights dispute, returned to the fold at Monday night's meeting. They are Jerome Kern, Sigmund Romberg, Gus Kahn and Johnny Mercer.

\$50,000 Lab Blaze

Hollywood, Nov. 29. Pictures, films and equipment valued at \$50,000 were destroyed in a fire Monday (27) which followed an explosion at the Williams lab in the county strip.

\$25,000 Theatre Fire
New Orleans, Nov. 29. Fire of undetermined origin Wednesday (24) destroyed the \$25,000 Gul theatre at Waveland, near here. Ed Ortle of Clermont Harbor, Miss., built the house in 1937. Two adjoining residences were also destroyed. Ortle plans to rebuild the house. Only one in the town.

Indiana's Blaze
Indianapolis, Nov. 29. Indiana, 3,100-seat downtown duplex, was emptied Sunday (27) about 4:30 p.m. when a fire in the ventilator shaft forced volumes of smoke into the auditorium. Refunds were made to about 1,200 present at the time. The fire started from sparks on the fan belt, catching wood and felt padding in shaft which smoked heavily without creating a serious fire hazard.
House will be dark until Friday (28) when it will reopen with Gypsy Rose Lee unit on stage.

A CODE OF FAIR PRACTICES NEXT

Affiliated Theatre Chains of the Major Film Companies Agree on Arbitration—National in Scope—Patient Parleys Bearing Fruit

CANCELLATION WORRY

A tentative draft of a trade practice program for regulation of exhibitor-distributor relations may go forward today (Wednesday) to representative exhibitor organizations for their consideration and scanning, following calling of a meeting yesterday afternoon (Tuesday) of film company attorneys on the matter. Late indications yesterday (Tuesday) were that this meeting with counsel of all major producer-distributors, called by W. F. Rodgers of the distribution committee on self-regulation, might continue into the night in an effort to arrive at a satisfactory draft.

While a program has been tentatively set up, following numerous meetings with exhibitor organizations, the attorneys were called in yesterday (Tuesday) in the hope of reducing points discussed to a more definite platform from which future negotiations may proceed. The draft of proposals agreed upon and assumed to be legally satisfactory will be forwarded to the Motion Picture Theatre Owners of America, Allied States Association and various lesser organizations figuring in negotiations so that they may discuss it among themselves, submit the plan to their membership and report back to the distributors.

Affiliated theatre circuits of the major film companies this week agreed to an arbitration system, of national scope, through which trade disputes and differences between affiliated and independent theatres will be thrashed out.

Producer-distributors, therefore, will resume at an early date the series of intra-industry conferences, aimed to perfect a code of fair practices, which have been in temporary solstice awaiting decision from the theatre organizations operated by Loew's, Paramount, 20th Century-Fox, RKO and Warner Bros.

There remains, however, a considerable amount of discussion before any final agreement will be reached on the entire trade conference program. Persons close to the major companies are sanguine that one of the main obstacles has been cleared in the cooperation of the affiliated theatre chains. Exact nature of the arbitration agreement is withheld, and beyond the information that arbitration has been accepted in principle, details will not be furnished to exhibitor negotiators until completion of a written memorandum, now in preparation.

Allied Huddle
Since the joint meeting of the distributors committee consisting of William F. Rogers, Loew's; Gradowell Sears, Warners, and Abe Montague, Columbia, with the representatives of Allied States Association, headed by Col. H. A. Cole, of Texas, adjourned two weeks ago in Chicago, the scene of conference, activity has centered in and around the home offices of the major film companies. Circuit theatre operators have met frequently with the Rogers committee, members of which have reported at length the proposals by Allied of industry reforms and contract revisions. Further meetings between the distributors and exhibitors were suspended temporarily until the affiliated chain managements could be sounded on the question of arbitration, around which depends success of the whole program.

Date of resumption of meetings between the two groups will be set soon after a written memorandum is delivered by Rogers to the Allied group. Such a communication may (Continued on page 13)

As an Exec Thereof, and as An Exhib, Spyros Skouras Enthuses On the Positive Values of Drive

New York, Nov. 28. Editor, VARIETY:

With the campaign for Motion Pictures' Greatest Year in its final stages, the time is ripe for an evaluation of what it has accomplished—for a summary of its achievements. We must take stock, too, of the criticism that has been leveled against it from some quarters. Even the mistakes that have been made—and some errors may be freely acknowledged—have definite value, if only to mark the danger zones in any future campaign that may be undertaken by the industry.

As must be generally known by now, I am personally pleased with the results of the drive to date. I am speaking now, not only as an executive in the drive, but also as an exhibitor who expected—and received—benefits on his investment. I have just returned from a tour of our theatres, and have spoken to hundreds of theatre managers. What I say, therefore, reflects not only my own opinion, but the opinion of my field staff.

This opinion is that the industry campaign has proved itself a success; and has amply justified the time and the labor and the money expended. This success has been plucked from impending disaster. Critics of Motion Pictures' Greatest Year have a tendency to forget the condition of the industry when the campaign was inaugurated. The industry was in the doldrums; we were passing through what was politely called a 'retrogression.' In the motion picture industry, this 'retrogression' was made manifest by a disastrous drop in box-office. Members of the industry were losing faith in the ability of motion pictures to maintain its steady rate of progress. There was chaos and confusion within the ranks, and much sniping behind the lines.

Never, since it became the fourth major industry in the country, has the motion picture industry faced a bleaker outlook than it did this summer. The attacks came from within and without. Columnists and commentators were having a field day at the expense of the industry; public opinion seemed to support them. Within the industry, stars were being condemned in paid advertisements. The ethics and product of the industry were being questioned publicly by men who earn their living by the industry. Indeed, the industry seemed fair game for anyone who chose to take a pot shot at it.

This is not the condition today. General optimism prevails, and the high prestige that the industry earned is on a fair way to being restored. This change came about since the industry campaign, when the production, exhibition and distribution branches of the industry joined in a common effort to avert the impending disaster, and launched the most unprecedented business campaign in its history.

Start of the Upeast
By this very act, the industry won national acclaim, and is credited with being the forerunner of the general upswing. Within a few months, the industry was restored to its rightful place in community life; it has gained in stature and dignity. Six hundred and nine editorials in newspapers throughout the country comprise the impressive tribute of the press, which cooperated further with 207 special editions, numerous cooperative ads and unprecedented news coverage. With the fortunate lineup of outstanding attractions released by Hollywood during that time, plus this national acclaim, the American public has once more become picture conscious, and convinced that truly 'Motion Pictures Are Your Best Entertainment.'

paign has achieved a still greater result. It has revived in the majority of exhibitors the spark of showmanship that has long been dormant in the individual showman. During the past three months some of the most ambitious exploitation schemes ever devised have been successfully executed with the high type of showmanship and enthusiasm that was the industry's prime asset in its early years, and which accounted largely for its high ranking in the commercial world today.

To the assets of the campaign must be added, too, the fine production of the all-industry short subject, 'The World Is Ours,' which is, in itself, an eloquent spokesman for the whole industry. Aside from its high entertainment value, this picture will make friends for the industry wherever it is shown.

The campaign is not yet over and some of its fruits can only be calculated after Jan. 1. No one can accurately express an opinion today on the Movie Quiz, but public reaction to this national contest can be correctly estimated only when the returns are in. By the same token, we cannot now say what effect this contest has had upon general box-office improvement, although the campaign in general must surely be credited with beneficial results in this direction. Given good product, it was most important to advertise to the public how good this produce was. This the campaign has done.

Admits Errors
As for the errors in the campaign we may as well acknowledge them and file them away for future reference. The campaign was mapped out in great haste—and necessarily so. Most of the errors may be attributed to the fact that the industry had no control. Other errors were the mistakes of pioneering—and as such have positive value, for such mistakes are inseparable from experiment. The general results were good; the experiment proved a success; we are on the high road again, from which we had previously fallen, and can move ahead along familiar lines. We can thank Motion Pictures' Greatest Year for setting us again on the correct path.

For the reasons enumerated above I think every dollar expended in the campaign is justified. My personal contacts with exhibitors all over the country, my talks and correspondence with them, has convinced me that this is the opinion of the majority.

I have said that the campaign is not yet over. There will be fresh activity in the closing weeks, with interest in the Movie Quiz naturally revived as the closing date draws near. Showmen all over the country will renew their activities on behalf of Motion Pictures' Greatest Year; newspapers will comment anew; 'The World Is Ours' will show on thousands of screens; the holiday season will afford the perfect tieup for the closing activities.

When all is over a new inventory can be made, which I am sure will confirm our present estimate. Motion Pictures' Greatest Year has brought good, and nothing but good, to the whole industry. Some of the results are intangible, but none the less real. This, at least, can be said with positiveness. Those who got behind the drive with all their ingenuity, enthusiasm and belief, profited thereby. Boxoffice was best where the campaign was strongest. Exhibitors got out of the campaign what they put into it—and more, much more.

Spyros Skouras.

THE HEAT'S ON

Hollywood, Nov. 29. Bob Hope and Shirley Ross costar in a new picture, 'Some Like It Hot!' Introducing Gene Krupa and his swing band to the screen.
Kurt Neumann directs from screen play by Lewis Foster.

Spread of Anti-Trust Suits, Unrest Abroad, Etc., Hurting Amus. Stocks

By MIKE WEAR

Stock prices further retreated last week. The market, closing on Thursday (Thanksgiving), resulted in many traders remaining away both Friday and Saturday. Diminished volume and lack of incentive to increase trading lines all contributed to weakness of the market's structure.

Spread of anti-trust suits, increasing turmoil in Europe involving the seizure of private property by the German government, and unsteadiness of some trade indices, have made stocks weak and dull now for nearly two weeks. Amusement shares dropped back additionally from previous highs although showing a few gains as Tuesday's market firmed up higher.

Picture issues had two disappointing earnings statements with which to contend. Warner Bros. covering the fiscal year ending last August was not up to expectations, being about \$3,900,000 below the preceding fiscal 12-month period. Columbia Pict. turned in a substantial loss for the first quarter in the fiscal year ended on last Sept. 24 as compared with a profit in the similar period last year.

Possibility that a stockholders' suit against Pathe Film Corp. might delay or prevent the recapitalization and liquidation plan from going into effect also was a blow to any enthusiasm for film shares. Delay in approving the RKO reorganization plan by the court too prevented traders from getting any true line on what the old common stock would sell for if the company emerges from 77B, or the range on the new.

The dividend declared by Loew's on the common, a total of \$1 payable Dec. 31 to stock on record Dec. 13, will not prevent directors from declaring another cash extra before the end of the year if earnings justify it. Dividend yield for the week ago was 50c regular and 50c extra, making a total of \$3 paid this year. Earnings for the fiscal year, expected in a few days, may show \$5.50 to \$6 on the common and might result in another extra melon cutting.

Early Tax Selling

All classes of stock have felt earlier tax selling this year than in several past years. This also has had a depressing effect on stock prices. Traders already are becoming acquainted with the beneficial changes in the 1938 Revenue Act, both as to capital gains and losses. New law divides long-term capital losses and gains into two classes. One applies to the held more than 18 months, but not over 24 months on which for tax purposes, 66.2-3% of the net is recognized. The other is on assets held more than 24 months, on these 50% of the net gain being recognized.

The reason for registering maximum short-term losses before the close of 1938 is twofold. The new law is favorable to taxpayers with short-term gains and losses only in that they are allowed to carry an excess of short-term losses into the succeeding year to be employed as an offset in that year to short-term profits.

However, the pattern of the market extending back to May or June, 1937, applicable to the short-term classification, means that many traders will have substantial short-term profits on issues obtained back in June this year to offset any losses on securities bought since May, 1937. Since no losses are deductible on short-term classification deals up to \$2,000, there is no object in showing a loss of short-term deals. Hence the urge of some to cash in on any paper profits between now and the end of December.

Then, too, there will be plenty of evening up on accounts both for short and long-term stocks because of the previously stated threat to raise percentages as compared with the 66.2-3% and 50% brackets now prevailing. However, the advantage of allowing short-term gains to run over into the 'long term' classification before being realized in hopes to securing future deductions doubtlessly will serve certain shareholders holding onto this issue this year. This action, of course, would be based on the theory that the law will not be made any worse next year.

All of this evening up process, which has started earlier than in past years, has tended to put a lamper on buying enthusiasm.

Philly Variety Club

Expects 1,100 on Dec. 11

Philadelphia, Nov. 29.

William E. Dodd, former ambassador to Germany, will be the principal speaker at the annual Variety Club banquet on Dec. 11. He'll talk on 'The Dilemma of Present-Day Civilization.' About 1,100 are expected at the banquet at which the ballroom of the Bellevue-Stratford will be transformed into a circus tent.

George Jessel will be m.c. and short talks will be given by Neville Miller, prez of the National Association of Broadcasters; Governors Earle of Pennsylvania, Nice of Maryland, and McMillen of Delaware; ex-governor Harold Hoffman; Ed Kuykendall, MPTOA prez; Joe Bernhardt, Warner theatre chief; Lou Krouse, LATSE secretary; Will Hays and James J. Walker.

'Unfair Competition'

Aspect in 'Test Pilot' Suit Still in Suspense

Although he dismissed the claim of plagiarism made by Delores Lacy Collins, widow of Jimmy Collins, aviator and test pilot, who was killed in 1935, against Metro Pictures Corp., Loew's, Inc., and the Culver Export Corp., Federal Judge Alfred C. Cox, N. Y., on Friday (26) permitted her claim of unfair competition to remain. The court also denied Mrs. Collins a preliminary injunction pending trial. The suit is for \$1,000,000 damages, \$500,000 on each of the two causes of action, and is based on the Metro picture, 'Test Pilot.'

Mrs. Collins, suing as administratrix of the estate of her husband, claimed that the picture was lifted from a book she had copyrighted in 1935 containing a series of stories the Collins' expected to use as an aviator and which had been published in newspapers and magazines. The book was titled 'Test Pilot.'

Besides her claim of infringement, Mrs. Collins contended that the title of the picture had reduced the value of the book. Judge Cox, only passed on the first cause of action (infringement) and on the injunction, but left the second cause, unfair competition, in the air.

In his opinion, Judge Cox ruled: 'I am satisfied from comparison of the book and the script of the picture that there is nothing in the picture which was taken from the book. Any superficial similarities are merely coincidence and entirely natural to aeroplaning stories of the kind in question. It is also apparent from the very nature of the Collins articles that they are largely a recitation of actual facts, and facts in themselves are not protected by copyright. I think, therefore, that the plaintiff's motion to dismiss the first cause of action should be granted. It is conceded that the title, 'Test Pilot' appearing on the book is not protected under the copyright laws. It is contended, however, that the words themselves have become so identified in the public mind with Collins' writings as to mean only the plaintiff's book, and that their use by the defendants amounts to unfair competition. The words 'Test Pilot' are merely descriptive. That can no more be appropriated than can other purely descriptive terms. Motion to dismiss the first cause of action is granted. A preliminary injunction is denied.'

The decision means that the defendants must go through the motions of making an additional motion to dismiss the unfair competition claim which in all likelihood will also be granted. The picture was based on Lieut.-Commander Frank Wead's book, 'Wings of Tomorrow.'

ON THE HEIGHTS

Hollywood, Nov. 29.

'Wuthering Heights,' delayed by casting troubles, rolled yesterday (Mon.) for Samuel Goldwyn, with Merle Oberon and Laurence Olivier in the top spots.

Three weeks of shooting will be done on the Olson ranch near Trinito.

Streamline Bally

Hollywood, Nov. 29.

Nationwide ballyhoo campaign for 'Union Pacific' is already under way at Paramount, although the picture will not be released until spring.

W. M. Jeffers, presy of the railroad, has agreed to cooperate with the studio. Simultaneous premieres will be held in six cities with a national broadcast from each point. Picture will be plugged further by a special preview train furnished by the U.P.

FRENCH RIB U. S. FILM IDEAS OF PARIS

Paris, Nov. 15.

The French have found still another reason for attacking the American film. And this time it is a great big noise about how Frenchmen and their beloved Paris are shown in American films.

Broadside came in a popular picture weekly, followed by an open letter to Monsieur William Hays in Paris-Soir written by Gaston Thierry who takes the American producers to task in sharper words than those found in the captions for the pictures published in the mag taken for scenes in different American films.

Mag publishes three full pages of photos taken from 11 American films with some caustic captions which aren't without justification in some respects. Stating he was taking the liberty of sending a copy of Match (the mag) to Hays, Thierry had this to say about the stills taken from the American films: 'They illustrate in a cruel way the ignorance of your producers in matters concerning our city and its inhabitants.'

Certainly, there appears a little ridiculous in these productions but those who conceived them are a little more so. For the honor of the American cinema—usually so perfect—it would be appropriate to organize a little trip to Paris for them right away. I guarantee them a warm reception.'

A corker reproduced by Match is a Paris copsey played in 'Seventh Heaven.' Caption points out that he is wearing the boots of a hussar, the sword of a dragoon, the tunic of an infantryman, the insignia of a general staff officer, the whistle of a railway station keeper and a decoration of an officer of 'Public Instruction.'

Montmartre Madness

For a shot from 'Tovarich' the mag has this to say: 'A normal scene in Montmartre! The concierge dines on the sidewalk according to custom and gives information to high personages, the governor of the Bank of France and a diplomat. They wear, as do all high French personages, even in the Rue Leprieux, frock coats, silk hats and all their decorations, not forgetting the umbrella. The little Montmartoise, Claudette Colbert wears an expensive dress from a fashionable couturier and is on her way to market.'

From 'Marie-Antoinette' here is the kickback: about Norma Shearer and John Barrymore: 'Kings and Queens of France particularly inspire the imagination of American cinemaists. Nothing is too good for our ancient monarchs. It is thus that Norma Shearer wears a muslin ball gown and wears a diadem in the scene of a pagoda and John Barrymore as Louis XV wears a costume generally agreed to belong to the Brandenburg court and lace which would have surprised Versailles.'

Although some of the photos are from old pictures, there are plenty from recent ones and most of them do show an outstanding lack of knowledge of the French and their habits. Whole thing is topped with 'As they see the French.'

However, Will Hays' rep here came back with a rejoinder in defense of the American industry. The fact that they had to go back to France to pick up old films proves our merit. And look what the French do with American characters in their films. They make every American woman look like you-know-what.'

And if the Americans were to hunt through French pics it is rather certain that they could throw the same dose right back at the French.

Lefty Ponders on Hollywood's Xmas Preview; Reminisces on Vaude

By Joe Laurie, Jr.

Hollywood, Nov. 29.

Dear Joe:

We arrived in Hollywood okay. My fin and leg where the dogs bit me are getting along fine. Aggie sez she only hopes the dogs will recuperate as fast. We got here to find Hollywood Boulevard all set out with paper mache Christmas trees, and wasn't even Thanksgiving yet. It's a sort of Xmas preview idea, giving the natives a chance to see Xmas before they get it any place else. I'm surprised they don't put firecrackers on top of the trees and celebrate the Fourth of July at the same time; sort of make it a double feature. Aggie sez they should get some of the picture people out here that talk in big numbers to sneeze on the trees and it would give the trees a 'snow' covering. The boys and girls aren't talking the big figures they used to, but they're still too high.

Junior, Aggie and me took in a show that they're all raving about out here. It's called 'Two-a-Day,' a sort of a cavalcade of vaudeville. And believe me, it's a hoot. It shows you vaudeville climbing step by step from Pastor's to the Palace. Of course after you hit the Palace there was a slide where old man vaudeville slid down into double features, Bingo, Banko, Disho and a load of agents' no's. Barrie O'Daniels talks from a loudspeaker and connects all the scenes and he does a fine job of it too. But the high spots to me and Aggie were when a gal like Wills Holt Wakefield sings, 'Honey Stay in Your Own Back Yard,' and Anna Chandler does her 'Pan song,' a hunk of real trumpeting, and Ethel Davis steps out with her 'Sneezing' song which is a vaudeville gem . . . and that gorgeous gal, Truly Shattuck, steps out and looks as queenly as ever. And to hear Rice and Cady roll their r's, and see Will Armstrong do an Eddie Foy that is the tops in impersonations. All this kinda turns on the faucets of the eyes—not sympathetic tears—just memory tears. It proves that Quality is always in style, and that the hearts of real troupers never wrinkle. They will never grow old; theirs is a talent mellowed with age. It was a great kick for me and Aggie, and even Junior sat there and looked at the story book of vaudeville. He is too young to know what it's all about, but I'll bet you when he grows up he will faintly remember that as a kid he saw a grand bunch of artists doing swell specialties. Then there's a lot of young people in it too that are the headliners of tomorrow, one guy in particular called Richard Edwards, who does a hunk of patomime that compares with Jack Jackson and Charlie Chaplin—and you know they are tops. Billy Rose oughta get him for his Casa Manana, he'd knock 'em for a goal there. Then there's a gal called Marie Sill who sings an offkey operatic bit with a sense of humor that's grand—and Pearl Austin in an amateur toe dance that is a wow. I can write you pages about all the performers in the show because they're all grand. Tickets are selling four weeks in advance, and that's something for Hollywood where they live from promise to promise.

The Glue-Pot Circuit

Had our Thanksgiving dinner with the Paul Gerard Smiths and it was swell. He had a holiday bid laid out on the table that would fill any stomach. Every act on it was a wow. During intermission when we made room for some more, we gabbed about show business; you know, the old days and the oldtimers. The days when we dressed in basements and played glue-pots, and we could always find a laugh in it. Aggie didn't get to try to make a line thinking of those days. The old gal would pack her Taylor trunk in a minute and play all those ink-spots again, and to tell you the truth I don't know of anything better than carrying those two grips—one with the dog in it, and the other with the orchestration. We used to carry a 12-piece orchestration for two years and never used anything but the piano and drum parts.

It was a great Thanksgiving dinner with that gang around the table and those laughs, say, even if we only had a cheese sandwich instead of a swell turkey it woulda paid us off.

As I wrote you before I am here getting new equipment for my radio station, so may you stick around for a few more weeks. Give our best to the gang back there and tell 'em to stop worrying. Look at the turkey—worry all year and ended up lying on a platter in the middle of the table. Sez

Your pal,

Lefty.

P. S. Mitchell Lewis sez, 'Some folks only practice so they may preach about it.'

N. Y. APPELLATE COURT TO RE-REVIEW 'BABY'

Albany, Nov. 29.

Holding that a factual issue was raised on appeal in the case of the picture, 'The Birth of a Baby,' Judge Pierce Russell of Troy, N. Y., today (Tuesday) opined that the case should be transferred for disposition by the Appellate Division. Petitioners, American Maternal Welfare Committee, Inc., and Sam Citron, sought trial before a supreme court jury.

Film was denied a license by Irwin Esmond at Educational Department, Motion Picture Division, and the decision of the ban against issuing a license for public exhibition of the film was later upheld.

'Baby' Injunction

Charlotte, N. C., Nov. 29.

Judge Hubert E. Olive signed an injunction here Monday (28) preventing the showing of the picture, 'Childbirth From Life' and citing the producers and distributors of the film to appear before him Dec. 5 in Mecklenburg superior court to show cause why they should not be permanently restrained from showing the picture in North Carolina. The action was begun by the American Committee on Maternal Welfare, Inc., and Special Pictures Corp., producers of 'Birth of a Baby,' and the defendants are Watt L. Parker, trading as Atlantic Films and Life's Dramas, Inc.

Irving Cahan, Once With RKO, Indicted in Philly; Alleged Thefts from WPA

Philadelphia, Nov. 29.

Irving Cahan, former supervisor of Federal Music Projects in Pennsylvania, who was dismissed without explanation in July, was indicted last Wednesday (23) by a Federal grand jury, charged with embezzlements of \$1,314.50 of the project's funds. Former boy musical prodigy and onetime music sechnronizer for RKO in Hollywood, began his asserted peculations in January, 1937, and continued them until June, 1938, when a Federal investigation began, G-men said. They declared he took from \$10 to \$20 at a time from proceeds of 80 concerts which he arranged for WPA musicians throughout the State. At the time his salary was \$200 a month.

Cahan was once the idol of Philly organ music lovers via radio. He began the study of music at the age of six and appeared as a concert pianist, often as a soloist with well-known orcs. He went to Hollywood with the advent of talkers.

MISS FIELDS' SHIP PIC

Next picture Gracie Fields will make for 20th-Fox is 'Sally of the Shipyards,' built around the completion of England's mightiest liner, the S. S. Queen Elizabeth.

Actress is now on Coast huddling with Zanuck and Monty Banks on details. After this one, Miss Fields is to do one more picture under her present contract.

LICENSING FOR ALL AGENTS?

SCRIBE, DIRECTOR %ERS WORRIED

Fear of Broad Sweep by Guild Slows Down Negotiations — Interested Only in Actors' Agents, Says SAG, but Silent on Future Moves

STALL ISSUE

Hollywood, Nov. 29. Fear that Screen Actors Guild's licensing plan for agents may be broadened to include also agents for directors and writers, as well as players, is slowing negotiations between the SAG and Artists Managers Guild on adoption of a franchise code for actor representatives. The two groups are talking "amicable agreement" again, but no definite action is expected until after the first of the year.

The AMG committee headed by M. C. Levee wants to know if plans of the Inter-Talent Council of the three big guilds call for licensing agents handling screenwriters and screen directors. The SAG insists it is interested only in franchising agents for the actors. Tops in the SWG and SDC claim no licensing program is now under consideration, but are silent about any future plans.

Majority of agents do not believe the writers and directors are in a position to force a licensing program without support of the actors. Neither group has been recognized by the producers, and the Screen Playwrights, Inc., still has a contract with the major companies. Success of any triple agreement on a licensing program is considered doubtful, in view of the policy of Kenneth Thomson, SAG executive secretary, in steering his group clear of any entangling alliances.

The situation, however, is puzzling the agents. Practically each meeting between the two groups is opened with the agents renewing the question as to whether writers and directors are to be included in a general licensing program. Once this question is settled to the satisfaction of the agents, the committees are not expected to experience any serious difficulties in drafting a code of ethics for agents under SAG supervision.

Negotiations for the actors are being handled by Ralph Morgan, SAG proxy, Kenneth Thomson, George Murphy and Laurence W. Beilsen, SAG counsel. M. C. Levee, Bert Allenberg, Abe Lastfogel, Leland Hayward and William Woolfenden are representing the AMG, with Judge Byron C. Hanna, attorney for the agents, directing their moves.

In the meantime, SAG is seeking to set its own house in order. Negotiations have been completed with most of the independent producers, kinks have been ironed out of the new modification agreement with the producers, and plans laid to repulse attack by minority group of extras which has petitioned the National Labor Relations Board to be certified as bargaining representative for the extras. Group is headed by organization known as the Cinema Players, Inc.

Official Sanction Doubtful
Dr. Towne Nylander, regional director of the NLRB, has announced that no action will be taken on the Cinema Players' petition until after International Alliance of Theatrical Stage Employees hearing set for Thursday (1). In view of recent policy of the director in attempting to settle disputes without a formal hearing, there is some doubt that petition will receive official sanction. The SAG has not yet even been notified by the director that such a petition is on file.

Policy of the producer-SAG arbitration board in granting default

judgments to the SAG where the independent producers failed to attend the sessions has resulted in many Indies rushing in to sign the new SAG modification agreement. Latest Indie signatories include Victory Pictures, Inc., Al Lane Pictures, Gilliam Productions, Colonial Pictures Corp., Principal Productions, Inc., Supreme Pictures Corp., Coronado Films, Inc., David L. Loew Productions, Darc Productions, Jued Buell Productions, Inc., and Cinemart Films, Inc.

The SAG has cancelled Guild shop contracts with Grand National, Arthur Dreifuss and Symphonic Films, Inc. Grand National agreement was called off at the request of studio executives to expedite reorganization of the company. A new contract will be inked when the reorganization program is completed.

The SAG has filed a protest with the State Industrial Welfare Commission on recent ruling that extras are not entitled to two checks if dismissed and called back the same day to work on the same picture. The SAG had been enforcing a "two pix, two checks" rule, but Commission holds this does not apply unless the player is called back the same day to work on a different picture from his original call.

The Commission ruling states: "After extras are dismissed, and on the same day are required by the same studio to return to work in connection with the same picture, they would be entitled to have regarded as work time the interim between dismissal on the first call and the time when they report to the studio on the second call, but in the event that they are required to work in connection with any other picture than that on which originally engaged, this shall be considered another day's work and shall be paid for in accordance with Order No. 16-A of the Industrial Welfare Commission, the same as if it was the first call of the day."

List of extras eligible to accept studio work calls has been reduced

to 6,539. A total of 1,487 failed to pay quarterly dues this month, and automatically became ineligible to work. These are liable to suspension when delinquency reaches 30 days and to expulsion if payment is not made before 60 days.

RKO's Extra Bill

Extras and stunt men received a total of \$85,353.97 from RKO-Radio for location work in "Gunga Din" at Lone Pine. The SAG pointed out that employment of experienced actors instead of native talent enabled the company to shoot massive battle scenes without serious injury to any player.

The State Unemployment Department has notified SAG that the four weeks' waiting period for payment of unemployment insurance to actors does not have to be consecutive. If a player registers, completes two weeks of waiting period, and then secures work, he has to wait only two weeks when he re-registers. Length of employment does not figure, provided both waiting periods fall within the same 56-week period. Insurance payments are being made to top-bracket players as well as extras.

Walt Disney has signed temporary agreement with the SAG. Contract runs until Jan. 15, 1939. Permanent contract will be inked as soon as studio executives and SAG leaders complete a study of problems peculiar to this branch of the industry. Fact covers Guild members employed on dialog or incidental sound effects.

Temporary agreement provides that all contracts between Disney and SAG members must be approved by the Guild. All disputes will be settled by arbitration. Wage and hour scales of SAG will be adopted, and Guild members will be used wherever reasonably possible.

Organize Commercials

The SAG has launched a campaign to organize independent studios producing commercials. More than 100

members have been signed in Chicago, and pacts have been closed with all leading producers in Chicago, Detroit and Cleveland. Leo Hurley, recording secretary of Actors Equity Association, is representing SAG in Chicago.

The SAG has warned its membership that the new modification agreement provides for waiver of overtime for all players except extras if any member of cast is late in reporting for work. Actors are asked to punch time-clocks promptly to avoid fellow-members being penalized by their tardiness.

Contract provides as follows with reference to payment of overtime: "If any Guild member is inexcusably late in reporting for photographing on a set, then the standing committee, in its discretion, may relieve the producer concerned from its obligation to pay overtime with respect to all players engaged in the production with respect to which such lateness in reporting occurs, but only to the extent that such overtime on that day is directly caused by such lateness."

Central Casting Corp. is considering request from the SAG that certain hours daily be fixed for the casting of extras. Proposal to change system of keeping switchboard open from 5 a.m. to 9 p.m. was discussed recently at conference between Campbell McCulloch, general manager of Central, and Aubrey Blair, of SAG. It was agreed that first obstacle to be overcome would be the problems of handling rush calls from major studios. At the present time about 90% of all casting at Central is made from the switchboard. Individual calls are handled only for certain dress extras and other special players who may be requested by the studios. Extras are required to dial at intervals over a period of 16 hours unless they secure work in the interim.

Present telephone budget for Central is approximately \$20,000 a year. Producers estimate that for Casting

Corp. to make direct calls for extras, this budget would have to be doubled and that the present casting staff would have to be enlarged several times. Problems will be referred to the permanent committee to be named to arbitrate disputes arising from interpretation of the new modification agreement.

Study Television Rights

The executive committee of Screen Playwrights, Inc., has instructed the SP standing committee to arrange a meeting with the producers to discuss television rights to stories and omission of valid screen credits. John Lee Mahin, SP proxy, said meeting probably would be called this week, despite warning of SWG that any further negotiations between the producers and the SP would be illegal and a violation of the National Labor Relations Act. Charge is based on certification of the SWG by National Labor Relations Board as bargaining representative for all screen writers. The NLRB, however, has ignored the request of the SWG that major companies be cited for unfair labor practices for refusing to recognize the SWG as sole bargaining agent for screenwriters.

The Society of Motion Picture Film Editors has filed a request with Pat Casey, producer-labor contact, for reclassification of film librarians, apprentices and certain assistant cutters. Proposed certification would result in wage tilt for many of the workers who would be lifted to higher brackets.

Negotiations on the request are expected to get under way this week. Following negotiating committee has been named by the Society: Edward Dymtryk, Paramount; Edward D. Hannan, Metro; Robert W. Carlisle, Scientific Films; James E. Newcom, Selznick-International; Louis H. Sakkin, Universal.

With Federal agents ready to sit in on hearing of petitions involving the International Alliance of Theatrical Stage Employees, it was disclosed that deal is now in making for wash-up of all IATSE jurisdictional disputes and IA minority attacks on supervision of international officers.

This would leave only petitions of the IATSE for certification as bargaining representative for its 1,000 members for the National Labor Relations Board when informal hearing starts Thursday (1) before the NLRB regional director. With no opposition to the petitions, certification of the IA would be routine.

Deals it is oked will call for withdrawal of petition filed by Motion Picture Technicians Committee asking investigation of IA operations, and a similar one by the Studio Utility Employees Local 724, which also asked certification as bargaining representative for all studio laborers. Intervention of Joseph M. Schenck, president of the Association of Motion Picture Producers, is said to have started negotiations which are expected to result in settlement of all labor jurisdictional disputes. George E. Browne, international president of the IATSE, was also active in negotiations.

Darrieux Jammed By Prior French Film Pact; But U May Be OK

Paris, Nov. 29.

Paris arbitration courts today (Tuesday) ruled that the four-year contract Danielle Darrieux signed in 1936 with Greigore Rabinovitch, of the French company, Cine Alliance, is valid. According to the deal the actress gave Rabinovitch her exclusive services for four years and had to have his approval to make films in either French or English.

Rabinovitch contracted to produce for Metro, but left Hollywood following a story argument. Rabinovitch states there is no intention of preventing Miss Darrieux from fulfilling her Universal contract, in Hollywood, but he is starting his film next April. Universal officials state that as far as known now the decision will not change their contract with the actress. She intends returning to Hollywood shortly after Jan. 1. However, there is a possibility that her Hollywood career may be affected if producing deals can't.

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Smash and Sock in L. A. 'Angels' 32½G, Two Spots; Durbin \$29,000 Ditto, 'Patrol' \$21,500, Gravy for H.O.s Too

Los Angeles, Nov. 29. Plenty of gravy in sight for the first runs currently, with several holdovers in prospect. Thanksgiving holidays helped materially, and week-end business was also fairly strong.

'Angels With Dirty Faces' hung up smash grosses at both the Downtown and Hollywood, while the latest Deanna Durbin is giving the RKO and Pantages smash biz, insuring two or three week run.

'Submarine Patrol' is strong at the State and Chinese, while the Orpheum is better than average. 'Citadel' at the Four Star is very strong on second week. 'If I Were King' at the Paramount is especially big.

Estimates for This Week

Chinese (Grauman-F-WC) (2,024; 30-40-55-75)—'Submarine Patrol' (20th) and 'Five of Kind' (20th), dual. Holiday week, but week-end trade helping for profitable \$9,000. Last week 'Dr. Kildare' (MG) and 'Listen Darling' (MG), poor \$7,000.

Downtown (WB) (1,800; 30-40-55-65)—'Angels Dirty Faces' (WB). On initial week excellent \$17,000 in sight, calling for probably three weeks run. Last week 'Cowboy and Lady' (WB) (second week), excellent \$12,000.

Four Star (F-WC-UA) (900; 40-55)—'Citadel' (M-G) 2nd week. Holding strong pace on second week after getting new house record on first week, devoid of holidays or premieres. Will grab neat \$6,500, after \$6,500 on opening stage.

Hollywood (WB) (2,756; 30-40-55-65)—'Angels Dirty Faces' (WB). Looks like very good \$15,500 on first week. Will probably stage three stanzas. Last week 'Cowboy and Lady' (UA) and 'Torchy Gets' (WB) (second week), excellent \$10,000.

Orpheum (Bdwy) (2,280; 30-35-40)—'Touchdown Army' (Par) and 'Vacation From Love' (MG), dual, plus vaudeville. Will hit profitable \$10,000. Last week 'Smashing Racket' (RKO) (2nd week), dual, heading stage show, accounted for \$10,500, as predicted.

Pantages (Par) (2,812; 30-40-55)—'Certain Age' (M-G) and 'Annie Tour' (RKO), dual. Durbin latest should have no trouble hitting fifty \$14,000, insuring two or three weeks' stay. Last week 'Service de Luxe' (U) and 'Storm' (U), just fair \$8,000.

Paramount (Par) (3,595; 30-40-55)—'If I Were King' (Par) and stage show (2d week). Showing strength on hold-over week and should wind up with \$28,000. Colman's first week ended with very profitable \$18,500.

RKO (2,872; 30-40-55)—'Certain Age' (U) and 'Annie Tour' (RKO), dual. Drawing audiences heavily, and first week will probably bring neat \$15,000. Stays two and possibly three weeks. Last week 'Service de Luxe' (U) and 'Storm' (U), just fair \$8,000.

State (Loew-Fox) (2,414; 30-40-55-75)—'Submarine Patrol' (20th) and 'Five of Kind' (20th), dual. Going and should wind up with fifty \$12,500. Last week 'Kildare' (MG) and 'Listen Darling' (MG), only fair \$9,400.

United Artists (F-WC) (2,100; 20-40-55)—'Great Waltz' (MG) (2nd week) and 'Kildare' (MG), dual. Withholdings, but 'Kildare' looks like \$3,500. Last week 'Waltz' (MG) first week, and 'Down on Farm' (20th), \$4,300.

Wilshire (F-WC) (2,296; 30-40-55-65)—'Waltz' (M-G) (2nd week) and 'Kildare' (M-G), dual. Holding over 'Waltz' and strengthening with 'Kildare' (M-G) and 'Down on Farm' (20th), \$7,300. Last week 'Waltz' (MG) first week, and 'Down on Farm' (20th), very good \$7,700.

'Cowboy' Cops Nifty \$5,400 in Okla. City

Oklahoma City, Nov. 29. State back on doublets this week with 'Girls School' and 'Romance of Limerick' good for \$3,000. Hefstet Thanksgiving day in history at Critteron started with 'Cowboy and Lady' off for \$5,400. Midwest to hit \$5,000 with 'Just Around the Corner' and Disney's 'Ferdinand, the Bull'.

Estimates for This Week

Critteron (Stan) (400; 20-25)—'Cowboy and Lady' (UA). Fast campaign at \$5,400. Last week 'Young Heart' (UA) slowed down to \$5,200.

Liberty (Stan) (1,200; 20-25)—'Miss Manton' (RKO) and 'Man Remember' (RKO), split with 'Swing Cheer' (U) and 'Sharp Shooter' (20th). Ringing up average \$2,300. Last week six days of 'King Alcazar' (Par) and 'Touchdown Army' (Par) okay at \$2,200.

Midwest (Stan) (1,450; 25-35-40)—'Around Corner' (20th) and 'Ferdinand' (20th). Clocking at nice \$4,700 pace. Last week 'Brother Rat' (WB) fine for \$5,000.

State (Noble) (1,100; 20-25)—'Girls

Broadway Grosses

Estimated Total Gross
This Week.....\$309,600
(Based on 12 theatres)

Total Gross Same Week
Last Year.....\$359,100
(Based on 12 theatres)

School' (Col) and 'Romance of Limerick' (Mono). Okay \$3,000. Last week 'Algers' (UA) stopped at nice \$3,500.

Tower (Stan) (1,000; 25-35)—'Young Heart' (UA). Had one week before previous. Okay \$3,100. Last week 'Arkansas Traveler' (from Midwest) (Par) slow at \$2,300.

'Out West' Dual Big 17G, 'Wings' Ditto 8G, Prov.

Providence, Nov. 29. 'Out West with the Hardys' dualled at Loew's and 'Men with Wings' at Strand are the only stand-outs on main stem. Only average takes looked for at other houses.

Estimates for This Week

Albee (RKO) (2,200; 25-35-50)—'Little Tough Guys' (U) and 'Tarnished Angel' (RKO). Faced at so-so \$5,000. Last week 'Annie Tour' (RKO) and 'Ted Lewis' ork and revue on stage drew nice \$10,000.

Carlton (Fay-Loew) (1,400; 25-35-50)—'Shining Hour' (M-G) and 'Listen Darling' (M-G). Stepping along to fair \$5,500. Last week 'Can't Take It' (Col) (3d downtown week) held for strong \$6,500.

Fay's (2,100; 25-35-40)—'Down on Farm' (20th) and vaude. Aiming for peppy \$6,800. Last week 'Suez' (20th) (2d run) and vaude closed with neat \$7,200.

State (Loew) (3,200; 25-35-50)—'Out West' (M-G) and 'Cipher Beau' (GN). Bill proving go-getter at state. A strong performer is 'Shining Hour' (M-G) and 'Listen Darling' (M-G) held for neat \$15,000.

Majestic (Fay) (2,300; 25-35-50)—'Angels with Dirty Faces' (WB) and 'Torchy' (M-G). Balanced bill attracting to tune of nice \$9,000. Last week 'Just Around Corner' (20th) and 'Sharpshooters' (20th), fairish \$8,000.

Strand (Indie) (2,200; 25-35-40)—'Men Wings' (Par). Pulling strong \$8,000. Last week 'If I Were King' (Par) and 'Sons of Nothin' (Par) held nicely for swell \$8,000.

Minneapolis, Nov. 29. Orpheum is running away with box office honors for the second successive week. This time 'Can't Take It With You' will turn the trick, landing the Singer house in first place. A strong performer is 'Hail Kemp, sky-rocketed last week's gross.

Initial wintry blasts, with the temperatures near zero, is depressing the turnouts, but 'Can't Take It' apparently has the strength to overcome all handicaps and it rolls along to impressive heights. 'Sisters' is not building at the State after a slow start. A strong performer is 'Moonlight Sonata', which will spell a hefty profit for the sure-seater house.

'Mad Miss Manton' and 'Listen Darling' are trailing, but 'Barrymore' 'How to Undress' in its second week at the Union, continues to pull well.

Estimates for This Week

Aster (Par-Singer) (900; 15-25)—'Arrest Drummond' (Par) and 'Tarnished Angel' (RKO). dual first runs. Satisfactory \$1,300 clip for six days.

Last week 'Always Trouble' (20th) and 'Illegal Traffic' (Par), dual first runs, split with 'Broadway Musketees' (FN) and 'Girls on Probation' (FN), also dual first runs, \$1,400, okay.

Century (Par-Singer) (1,600; 25-35-40)—'Miss Manton' (RKO). Good enough picture, but suffering from street show. Last week 'Ferdinand' will be lucky to reach mid \$3,500. Last week 'Kildare' (M-G), \$4,000, disappointing for fine picture.

Gopher (Par-Singer) (998; 25-35-40)—'The Great Waltz' (MG) (2nd week), dual, plus vaudeville. Will hit profitable \$10,000. Last week 'Smashing Racket' (RKO) (2nd week), dual, heading stage show, accounted for \$10,500, as predicted.

'Cover'-School' 5½G Pacing Peppy Port.

Portland, Ore., Nov. 29. 'Cowboy and the Lady' went into a good second stanza at Parker's Broadway, following a big first week. Other houses are holding up to better than par. 'You Can't Take It With You' still a money-maker at the Mayfair.

The anti-marijuana crusading pic, 'Assassin of Youth', proved a big biz-getter for the indie Rivoli; boosting returns for that house considerably above average biz.

Estimates for This Week

Broadway (Parker) (2,000; 30-35-40)—'Cowboy and Lady' (UA) (2d wk). Strong biz around \$5,000. First week registered socko \$5,500.

Mayfair (Par) (2,000; 30-35-40)—'Can't Take It' (Col) (7th wk). Still rated better than average for this house with \$2,800.

Orpheum (Hamrick-Evergreen) (1,800; 30-35-40)—'Around Corner' (20th) and 'Girls School' (Col). Above par for good \$3,500. Last week 'Miss Manton' (RKO) and 'Breaking Ice' (RKO) fell off last half to fair \$4,000.

Paramount (Hamrick-Evergreen) (2,000; 30-35-40)—'Submarine Patrol' (20th) and 'Five of Kind' (20th). Average enough \$5,500. Last week 'Suez' (20th) and 'Meet the Girls' (20th) closed a fair second week for \$4,200.

Rivoli (Indie) (1,100; 20-25)—'Assassin of Youth' (Indie) and 'Numbered Women' (Indie). Strong biz for the indie Rivoli, but failed to close for \$2,500. Last week 'Texans' (Par) and 'Professor Beware' (Par), five days only, fair \$1,500.

United Artists (Parker) (1,000; 30-35-40)—'Angels Dirty Faces' (WB) and 'Broadway Musketees' (WB). Registered well for \$5,000. Last week 'Shining Hour' (M-G) and 'The Storm' (U) closed for \$4,400, okay.

'Citadel' 23G, Durbin H.O. \$18,000, B'klyn

Top fight films are drawing crowds to the downtown sector despite avalanche of snow which hit this area over weekend. Best biz at Loew's Metropolitan, where 'Citadel' is playing to almost capacity at all performances. 'That Certain Age' at RKO Albee is doing profitably. 'Men with Wings' second week will also close through \$12,000.

Estimates for This Week

Albee (3,274; 25-35-50)—'Certain Age' (U) and 'Man Remember' (RKO). Splendid box office heading for fifty \$12,000. Last week same figure.

Fox (4,089; 25-50)—'Hard to Get' (WB) and 'Five of Kind' (20th). Satisfactory \$14,000. Last week 'Girls School' (Col) and 'Torchy Man' (WB), mid \$13,000.

Met (3,618; 25-50)—'Citadel' (M-G) and 'Vacation From Love' (MG). Off to grand start, and will cop glorious big biz.

'Listen, Darling' (M-G). Garland-Bartholomew combo in the right spot and trade shooting above normal; looks like good \$2,700. Last week 'Secrets Actress' (FN), \$1,800, light.

Orpheum (Par-Singer) (2,890; 25-35-40)—'Hail Kemp' (M-G). First neighbor exploitation and advertising campaign, and building ever since, helped by enthusiastic word-of-mouth and critics' plugs, headed for tremendous \$12,000. Last week 'Ferdinand' (20th) and 'I Am Law' (Col) and 'Hail Kemp' and other acts on stage, \$13,000, tremendous.

'Sisters' (WB). Nothing but praise for this one but poor at b.o. \$5,000. Last week 'If I Were King' (Par), \$9,800, good.

Time (Berger) (280; 25)—'Strange Adventures' (Indie) (2d week). Triple thrill show, with Elaine Barrymore 'Undressing' short played up sensationally, delivering in big way at box office. Fine \$900 in prospect after strong \$1,800 first week.

Uptown (Par) (1,200; 25-35)—'Too Hot Hand' (M-G). First neighbor hood showing for this strong scene attraction, good \$3,000 indicated. Last week 'Boys Town' (M-G), \$3,300, very high.

Worlitz (Steffes) (350; 25-35-40-55)—'Moonlight Sonata' (Indie). Just what the doctor ordered for this house that caters to the carriage trade. Last week 'Ferdinand', \$3,000 in the cards. Last week 'Certain Age' (U) (4th week), \$1,200 for six days all right considering heavy takings first three weeks.

'Angels' 20G, 'Cowboy' \$13,500, Earle 21½G, Philly Frozen Out

Key City Grosses

Estimated Total Gross
This Week.....\$1,623,700
(Based on 24 cities, 165 theatres, chiefly first runs, including N. Y.)

Total Gross Same Week
Last Year.....\$1,817,100
(Based on 24 cities, 170 theatres)

\$23,000. Last week 'Storm' (U) and 'Drums' (UA) and 'Brother Rat' (WB) (2d run) (2d wk). 'Men Wings' (Par) and 'Night Hawk' (Rep) (2d wk). Okay \$17,500. Last week \$21,000, good.

Strand (2,870; 25-50)—'Gangster's Boy' (Mono) and vaude featuring Molly Picon and Hal Roey, plus jibbering contest on stage. Faced for okay \$11,000. Last week 'Swing Cheer' (U) and vaude, good \$13,000.

'Citadel'-Blondie Sweet \$35,500 In Two Hub Houses

Boston, Nov. 29. Everybody's happy this week, although the weekend snowstorm slowed down the wickets temporarily. 'Citadel' and 'Blondie', dualled at the Loew stands, might have pressed for new records, but the storm prevented it.

'Drums' on double bill at the Memorial is strong enough to indicate a holdover, and 'Angels with Dirty Faces' on dual with 'Citadel' at the Metropolitan is another highlight here.

Some reliable indications that big-time vaude may return after the holidays to the Keith-Boston.

Estimates for This Week

Fen (M&P) (1,332; 25-35-40-55)—'Suez' (20th) and 'Torchy Man' (WB) (2d run) (2d wk). Medium medium gain. Last week 'Hard to Get' (WB) and 'Illegal Traffic' (Par), \$6,200.

Keith Memorial (RKO) (2,907; 25-35-40-55)—'Drums' (UA) and 'Swing Cheer' (U), dual, plus 'Ferdinand the Bull'. After a hefty advance boost by the press department, also tracing 'Angels' lower. Last week 'In Society' (U) and 'Annie' (RKO) skidded to \$12,300.

Metropolitan (M&P) (4,367; 25-35-40-55)—'Citadel' (M-G) and 'Blondie' (Col). Very good \$15,500 possible. Good combo, taking around \$19,500. Last week 'Sisters' (WB) and 'Gangster's Boy' (Mono), medium \$16,500.

Orpheum (Loew) (2,900; 25-35-40-55)—'Citadel' (M-G) and 'Blondie' (Col). Socko duo reaping big \$21,000. 'Blondie' (Col) (2d wk), last week 'Stables' (M-G) and 'Listen Darling' (M-G) (2d wk), okay \$14,000.

Paramount (M&P) (1,797; 25-35-40-55)—'Suez' (20th) and 'Torchy Man' (WB) (2d run). Fair \$7,500 in store. Last week 'Hard to Get' (WB) and 'Illegal Traffic' (Par), satisfactory \$8,500.

Scollay (M&P) (2,538; 25-35-40-50)—'Hard to Get' (WB) and 'Illegal Traffic' (Par) (2d run). Aiming for fair \$8,500. Last week 'Brother Rat' (WB) and 'Five of Kind' (20th) (2d run), good \$6,700.

State (Loew) (3,600; 25-35-40-55)—'Citadel' (M-G) and 'Blondie' (Col). Very good \$15,500 possible. Last week 'Stables' (M-G) and 'Listen Darling' (M-G), holdover, okay \$9,500.

'KING' \$9,200, 'HOUR' DUAL 7½G, SEATTLE

Seattle, Nov. 29. Most first runs hit the jackpot during the Thanksgiving stanza. 'Shining Hour' at Fifth, 'If I Were King' at Paramount and 'Around the Corner' at the major new bills, with 'Drums' in a healthy holdover at the Liberty.

Estimates for This Week

Blue Mouse (Hamrick-Evergreen) (850; 32-37-42)—'Stables' (M-G) and 'Touchdown Army' (Par). Bought over after two weeks at the Fifth Avenue, and heading for big \$3,600. Last week 'Suez' (20th) nice enough at \$2,200.

Coast (Hamrick-Evergreen) (1,900; 21-32)—'Boys Town' (M-G) and 'Boo!oo' (Par). Holding nine days toward nice \$3,500. Last week 'Hold That Co-Ed' (20th) and 'Sing, Sing, Sing' (Par) \$3,100, okay.

Philadelphia, Nov. 29. Week-end to which all the do-luxers look as the one time they'll do certain business, cruelly smashed all b. o. hopes with two blizzards, after right after the other, producing more snow than Philly ever has seen in November.

Despite the weather, biz at a couple of houses, added by powerful product, was well up to the mark. The zero gross being hung up by 'Angels with Dirty Faces' at the Fox, garnering \$20,000. Got near record-breaking \$7,500. Thanksgiving Day alone. Probably good for at least two more weeks. Not quite so strong, but nevertheless well above par is 'Cowboy and the Lady' at the Rialto, with \$17,500 and no doubt another lap in store.

Vaudill Earle likewise munched through the snow in a creditable manner with \$21,500 for 'Thanks for the Memory'. Plus Jan Savitt ork, Eric Blore and Ethel Shutta on the stage. Flopero of the week is 'Submarine Patrol' at the Rialto, getting less than \$11,000. No doubt will be better in the nabes with heavier male and kid trade.

Estimates for This Week

Aldine (WB) (1,303; 42-57-68-75)—'Cowboy and the Lady' (M-G). Blizzards knocked the top off, but nevertheless nicely profitable at \$13,500. Fairly certain of another round. Last week 'Young Heart' (UA) (2d wk) turned in a measly \$7,000.

Boyd (WB) (2,350; 37-57-68-75)—'If I Were King' (Par) (2d wk). Clicked nicely in its opening sesh with \$16,800, but failed to take the storm in its second lap around, and off badly to \$8,000.

Earle (WB) (2,758; 25-37-42-57-68)—'Thanks for the Memory' (Par) with Jan Savitt ork. Eric Blore and Ethel Shutta on stage. Doing surprisingly well on a medium-sized stage with \$11,000. Last week 'Service de Luxe' (U), with Roger Pryor band and Dick Foran, p. a'ing, off somewhat at \$8,000.

Fox (WB) (2,423; 37-57-68-75)—'Angels with Dirty Faces' (WB). Strong advertising, ballyhoo and reviews. Responding nicely to better than \$20,000. Good, but probably two, more sessions. Last week 'Around Corner' (20th) failed to leave into sight with \$10,000.

Keith's (WB) (1,870; 37-42-57-68)—'Young Heart' (UA) (2d wk). Just satisfactory at under \$4,500 following two weeks at \$3,000. Last week 'Brother Rat' (WB) (2d run), swell \$5,700 after two weeks at the Fox.

Liberty (WB) (2,916; 37-57-68-75)—'Submarine Patrol' (20th). Despite good notices couldn't get anything. Bugged badly at below \$11,000. Last week 'Shining Hour' (M-G), n.s.h. \$14,800.

Stanton (WB) (1,457; 26-32-57)—'Illegal Traffic' (Par). At \$4,500 off just about what the weather would account for. Last week 'Stables' (M-G) apparently an unusual choice for this bang-bang act, last \$4,700.

'Great White Trail' (GN) and 'Mystery Horse' (Col), dual split with 'Santa Fe Stampede' (Rep) and 'Who Killed 'Freston' (Col), dual, moderate \$1,900.

Fifth Avenue (Hamrick-Evergreen) (2,349; 32-37-42)—'Shining Hour' (M-G) and 'Road Demon' (20th). Okay campaign, but at \$7,500, big. Last week 'Stables' (M-G) and 'Touchdown Army' (Par) (2d wk) held too long for this house, although good enough for moveover, \$4,400.

Liberty (J-VH) (1,800; 21-32-42)—'Drums' (U) (2d wk). Again big at \$5,000, and holding for third session. Last week, same figure, for \$5,000. (Hamrick-Evergreen) (850; 32-37-42)—'Submarine Patrol' (20th) and 'Swing Cheer' (U). Extending run here from Paramount. Faced at \$3,200. Last week 'Great Waltz' (M-G) (3d wk) good at \$2,600.

Paramount (Hamrick-Evergreen) (2,000; 32-37-42)—'Around Corner' (20th) and 'Ferdinand' (RKO). Mostly matinee draw, but medium \$4,600 in sight. Last week 'Citadel' (M-G) and 'Listen, Darling' (M-G) (2d wk) \$3,900, okay.

Scollay (M&P) (1,350; 16-27-37-42)—'Flight Into Nowhere' (Col) and 'I Stand Accused' (Rep) retitled 'Kid Mouthpiece' for local consumption, plus vaude. Strong \$5,500 gain. Last week 'Fairie Moon' (Rep) and 'Mr. Wong' (Mono), plus vaude, okay \$4,400.

Paramount (Hamrick-Evergreen) (3,038; 32-37-42)—'King' (Par). Looks like immense \$9,200. Last week 'Submarine Patrol' (20th) and 'Swing Cheer' (U), \$7,000, big.

'Breaking Ice' (RKO) and 'Give Me Sailor' (Par). Fine \$2,500. Last week 'Carefree' (RKO) and 'Gangs of New York' (Rep) \$2,000, okay.

'Angels'-Lucas Building to \$39,000 In Merry Chi; 'Reno'-Vaude 18G, Others OK, Dizzy Dean P. A. NG

Chicago, Nov. 29. Loop is in excellent shape again this week, with the single exception of the Palace where Dizzy Dean and Bob Elson, baseball tosser and snipier, are not managing to get anybody into dropping some coin at the front gate. Strictly freak booking is causing box-office anemia and the picture is not aiding the situation.

Otherwise business is pumping, particularly at the big Chicago where 'Angels with Dirty Faces' is crowding 'em. Tough guy film is almost up to the mark of the early Capra slug flickers. Will shoot the take far above previous week and head into high territory.

Other screen fare which is getting considerable notice from exhibitors in this territory is the Paderewski piece, 'Moonlight Sonata' in the Playhouse. Picture, has caught on sharply and is selling in its seventh week in this town. Has been running around \$5,000 for each stanza which is beaucoupin coin on the right side of the ledger. Indications are that it will break previous 26-week run record of 'Ecstasy' in this spot. Oriental is establishing itself rapidly under the new Jones, Linick & Schaefer banner and is currently riding on the wings of a healthy gross, strictly on the combination policy at a low tariff. Shirley Temple is doing a fair enough session in the Rensselaire Apollo with 'Around the Corner'.

Estimates for This Week
Apollo (B&K) (20th; 35-55-65-75) —'Around Corner' (20th). With \$5,000 in the office, it's an all right showing. Last week, 'Suez' (20th) grossed \$5,300 for its third week in loop.

Chicago (B&K) (4,000; 35-55-75) —'Angels with Dirty Faces' (WB) and 'Clyde' Lucas continue on stage. Booming at the front gate, Dizzy Dean and Bob Elson headlining, happy melody of \$39,000. Last week, 'Men Wings' (Par) faded towards the finish, but tallied up to satisfactory \$11,000.

Garlick (B&K) (900; 35-55-65) —'Men Wings' (Par). Moved here from Chicago and looks for possible \$15,000 mid. Last week, doubling of 'Listen Darling' (M-G) and 'Mystery on Moto' (20th) was satisfactory at \$5,000.

Oriental (Jones) (3,200; 25-35-40) —'Road to Reno' (20th) and 'Vaude' County policy is clicking here and currently heading toward fine \$18,000. Last week, opener, was zippy, finishing strongly to excellent \$20,100 with 'Vacation' (20th) and 'Mystery on Moto' (20th) was satisfactory at \$5,000.

Palace (RKO) (2,500; 35-55-65-75) —'Hard to Get' (WB) and vaude. Dizzy Dean and Bob Elson headlining. Call out the towel and reserve, boy, the weeps have got 'em nose fine on the baseball item and into the cellar at heart-breaking \$12,000. Last week, Milton Berle on stage zoomed house to potential \$25,400 with 'Tough Guys' (U).

Roosevelt (B&K) (1,500; 35-55-65-75) —'Submarine Patrol' (20th) (2d wk). Will get around \$7,500, fair enough after okay initial session at \$14,100. 'Stablemates' (M-G) due to replace shortly.

United Artists (B&K-UA) (1,700; 35-55-75) —'Great Waltz' (M-G) (2d wk). Disney's 'Ferdinand' (RKO) getting plenty of billing and unquestionably adding to the gross, which is fine here. Better than \$13,000 this week plenty merry, after excellent \$16,100 last week.

Woods (Essaness) (1,300; 25-35-40) —'CIPHER' (GN) and 'Forbidden Territory' (Hoffberg). Just a fave combo that will be under usual take here at \$3,200 for the session. Last week, 'Mars' (U) plus 'Bengal' (Rep) big \$6,000.

'COWBOY' 10G, BUFF.
ISN'T COMPLAINING

Buffalo, Nov. 29. Current grosses are leveling out, although the general average is substantially above normal.

Estimates for This Week
Buffalo (Shea) (3,500; 30-35-55) —'Shining Hour' (M-G) (2d wk). Showing any particular strength at around \$12,000. Last week 'Stablemates' (M-G) and 'Wences' in person got up to satisfactory \$13,500.
Century (Shea) (3,000; 25-35) —'Submarine Patrol' (20th). Fine \$8,000. Last week 'Young Doctor Kildare' (M-G) and 'Annabel' (RKO) okay at nice \$7,000.
Great Lakes (Shea) (3,000; 30-50) —'Cowboy and Lady' (UA). Drawing despite indifferent reviews and paced for neat \$10,000. Last week, 'Great Waltz' (M-G) came up for good finish and closed well at over \$9,000.
Hipp (Shea) (2,100; 24-40) —'Stablemates' (M-G) (2d run). Okay \$7,000 in sight. 'Suez' (20th) (2d run), failed to show much

strength for five days going to only \$4,300.
Lafayette (Ind.) (3,300; 25-35) —'Little Tough Guys' (U) and 'Last Express' (U). Aiming for very good \$10,000. Last week 'Service de Luxe' (U) and 'Freshman Year' (U) low for the month, but still okay at \$7,000.

'ANGELS' ANGELIC 13G, CINCY; 'HOUR' NSG 10G

Cincinnati, Nov. 29. Pic biz by and large on the up this week, despite burg's first cold snap of the season. Current b.o. topper is 'Angels with Dirty Faces' at the Palace, which is several G's ahead of the Albee's 'Shining Hour'. Lyric is enjoying a black feast on 'Blondie'. Keith's is fetching fair returns on 'Mad Miss Mantan'.

In second week of vaudfilm, the Schubert is doing okay with 'Listen Darling' and Count Berni Vici's unit. Latter is big lettering Schlepperman, lately on Jack Benny's radio show.
Estimates for This Week
Palace (RKO) (3,200; 35-42) —'Shining Hour' (M-G). \$10,000. Same last week on 'If King' (Par).
Capitol (RKO) (2,000; 35-42) —'Brother Rat' (20th) (2d run). Very good \$6,500. Last week, 'My Heart' (UA) (2d run), fair \$5,000.
Family (RKO) (1,000; 15-25) —'Man from Music Mountain' (Rep), 'Illegal Traffic' (Par) (2d wk) and 'Listen Darling' (M-G) and Count Berni Vici's unit, Par, singly. Fair \$2,000. Last week, 'Girls on Probation' (WB), and 'Sharpshooters' (20th), split, average, \$2,200.

Grand (RKO) (1,200; 25-40) —'Dr. Kildare' (M-G) (2d run). Mild \$2,000. Last week, 'Great Waltz' (M-G) (2d run), okay \$1,500.
Keith's (Libson) (1,500; 35-42) —'Miss Mantan' (RKO). Normal \$4,500. Ditto last week with 'Dr. Kildare' (M-G) (2d run), fair \$3,000.
Lyric (RKO) (1,400; 35-42) —'Blondie' (Col). Excellent \$6,000. Last week, 'Men Wings' (Par) (2d run), poor \$2,500.

Palace (RKO) (2,600; 35-42) —'Angels with Dirty Faces' (WB). Very good \$12,000. Same last week on 'Brother Rat' (WB).
D'Aarte (RKO) (1,500; 35-40-60) —'Listen Darling' (M-G) and Count Berni Vici's unit with Schlepperman, comic dialectician, featured. Okay \$12,500. Last week 'Affairs of Anna' (RKO) and 'Clay McGee' and Don Bestor orchestras heading stage show in first week of vaudfilm, good \$14,000.

'ANGELS' - VAUDE 20G, 'HEART' 18G, D.C.

Record Indian summer topped Thanksgiving Day with heavy snow and siege of bitter cold. Resultantly, both last and this week's takes are 10% off due to weather.

'Angels with Dirty Faces', at Earle, is leading the town with big gross despite snow. 'There Goes My Heart', at Capitol, is next, and 'Great Waltz', at the Palace, is third.

Estimates for This Week
Capitol (Loew) (3,434; 25-35-40-65) —'Goes My Heart' (UA) and vaude. Pic only draw and getting passable \$19,000. Last week 'Shining Hour' (M-G) missed expected holiday bid and dropped to average \$20,000.

Columbia (Loew) (1,234; 25-40) —'Around Corner' (20th) (2d run). Back downtown after nice stay at Capitol and should get solid \$4,500. Last week, 'Suez' (20th) (2d run), acceptable \$4,200.
Earle (WB) (2,216; 25-35-40-66) —'Angels with Dirty Faces' (WB) and vaude. Big bally, nice reviews and good word-of-mouth on pic and revue leading town with big \$20,000. Last week, 'Sisters' (WB) took licking on holiday to drop to average \$16,000.
Keith's (RKO) (1,630; 35-55) —'Peck's Bad Boy' (RKO). Disney's 'Ferdinand' and 'March of Time' giving equal billing in ads and biggest play in the reviews. Shorts will carry week to satisfactory \$6,500. Last week, 'Service de Luxe' (RKO) passable \$4,500, six days.

Met (WB) (1,600; 25-40) —'Girls School' (Col). First run in spot that has been specializing in repeats headed into fair \$3,500. Last week, 'Brother Rat' (WB) (2d run) in second week of repeat \$3,700, okay.
Palace (Loew) (2,242; 35-55) —'Great Waltz' (M-G). Average \$15,500. Last week, 'If King' (Par) (2d wk) dropped to \$7,000 for six days.

First Runs on Broadway (Subject to Change)

Week of Dec. 1
Astor — 'Marie Antoinette' (MG) (16th week).
Capitol — 'The Great Waltz' (MG) (2d wk).
Criterion — 'Spring Madness' (MG).
(Reviewed in VARIETY, Nov. 16)
Globe — 'Sharpshooters' (20th).
Music Hall — 'Cowboy and the Lady' (UA) (2d run).
Paramount — 'Say It in French' (Par) (30).
(Reviewed in Current Issue)
Rialto — 'Shadows Over Shanghai' (GN) (30).
Rivoli — 'Up the River' (20th).
(Reviewed in VARIETY, Nov. 21)
Roxy — 'Just Around the Corner' (20th).
(Reviewed in VARIETY, Nov. 2)

Strand — 'Angels with Dirty Faces' (WB) (2d wk).
Week of Dec. 8
Capitol — 'Out West with the Hardys' (MG).
(Reviewed in VARIETY, Nov. 23)
Criterion — 'Storm Over Bengal' (Rep).
Paramount — 'Artists and Models Abroad' (Par) (7).
Rialto — 'Last Warning' (U).
Rivoli — 'Up the River' (20th) (2d wk).
Roxy — 'Thanks for Everything' (20th) (9th).
Strand — 'Angels with Dirty Faces' (WB) (3d wk).

Balto B.O.s Buried Under Snow; 'Hardys' Thaws Out OK 16G

Baltimore, Nov. 29. Anticipated big holiday doings took on the chin here with the worst of November snow in 58 years reaching its height Thanksgiving day.

'Out West with the Hardys' getting bulk of the play at Loew's Century. Some interest in 'Angels with Dirty Faces' at the Strand, but having difficulty getting into the right groove.

Estimates for This Week
Century (Loew's-UA) (3,000; 15-25-35-45) — 'Out West with Hardys' (M-G). Leading town with a healthy \$16,000. Farewell appearances of D'Aarte, heading stage show, given some added bally. Last week 'Shining Hour' (M-G) got some mild interest to \$9,000.

Hippodrome (Rappaport) (2,205; 15-25-35-45) — 'Peck's Bad Boy' (RKO) plus Disney's 'Ferdinand the Bull' and Major Bowes stage unit. Slow coming out of doldrums with possible \$11,000 the count. Last week, 'Man Remember' (RKO) and Hippo Felton built nicely to \$12,700.

Keith's (Schneider) (2,460; 15-25-35-45) — 'If King' (Par) (2d wk). Holding in fairish style to \$7,500, after good opening \$10,600.

New (Mechanic) (1,558; 15-25-35-55) — 'Around Corner' (20th). Rather mild \$4,500. Last week, second of 'Submarine Patrol' added a so-so \$3,200 to opening \$4,200.
Stanley (WB) (3,250; 15-25-35-40-55) — 'Angels with Dirty Faces' (WB). Not really getting under way because of weather. Will garner a fairish \$10,000. Last week, 'Men Wings' (Par) fell down on its second week to bare \$3,300 after chalking up a nice \$12,200 for its opener.

Cleveland, Sept. 29. It was a turkey week here with one stage for three houses that tried to build up family trade by getting strictly matinee products. Not-so-strong bills are taking a lacing nights, when out-of-school youngsters go to bed, and two days of slushy storms kept a lot of drivers home.

'Out West with Hardys' is the best all-around investment, doing a Horace Greeley for the State that will count up to \$17,000. Palace's combo of Ben Bue's unit and June Arnold of the Corner, isn't pulling house over the red line. Will be pushed into third place by Hipp's energetic 'Angels'.

After two sad days with 'Peck's Bad Boy', Allen rushed in 'Annabel' but it isn't doing much better.

Estimates for This Week
Allen (RKO) (3,500; 30-35-42-55) — 'Annabel' (RKO). Comedy with same results if it lasts a week; not more than \$3,100. 'Peck's Bad Boy' (RKO) yanked after two days and miserable \$500. Last week, 'Boys Town' (M-G) also on a shift from Hipp copped \$4,000, a shift.

Hipp (Warners) (3,700; 30-35-42-55) — 'Angels with Dirty Faces' (WB). Three magnetic names on the marquee and oke story hitting it along nicely for \$14,000, satisfactory. 'Submarine Patrol' (20th) (2d wk) skidded on the ice for a fall that hurt, \$9,500.
Palace (RKO) (3,200; 30-35-42-55-65) — 'Around Corner' (20th) and Ben Bue topping vaude. Show is getting them during matinees, but the evening session, just bring loud groans, despite okay stage bill. Will be an agreeable surprise if \$4,000 is maintained. Last week, 'Girls School' (RKO) plus Gypsy Rose Lee unit was shaken down to \$12,000, fair.
State (Loew's) (3,450; 30-35-42-55) — 'Out West with Hardys' (M-G). A holiday natural, climbing steadily at all performances to \$17,000, fine. 'Shining Hour' (M-G) last week was only \$8,000. Last week, 'Suez' (20th) (2d run) was \$11,000.
Sullivan (Loew's) (1,972; 30-35-42-55) — 'Shining Hour' (M-G). Carted over from the State and limboing along to \$4,000. Last week, 'Great Waltz' (M-G) also on a shift from Hipp copped \$4,500, nice.

Despite the Storms, B'way Biz Cheery; 'Cowboy' PUNCHY 105G, 'Angels'-Lewis Wing to \$50,000, 'Waltz' Glides OK 33G

Thanksgiving's snowstorm and unseasonable cold was something the manager doctor didn't order, but in spite of it, the grosses are highly respectable where attractions are on display. No matter what the weather may be or what other alibis are propounded, if the pictures have any value at all, they draw business just the same. However, this week's total at the Broadway box offices would be higher had not Turkey Day brought a blizzard.

The matinees Thursday (24) were terrible but at night, it was estimated, the most money had been taken from 30-50% in business. Result was that matinee take in most cases doubled the receipts from 6 p. m. on. Friday (25) was under normal also but the weekend was generally good, with result that grosses maintain a healthy position.

Top business is being done by 'Cowboy and Lady', at the Music Hall; 'Angels with Dirty Faces', with Ted Lewis, at the Strand, and 'Great Waltz', at the Capitol, followed by 'Reno', at the Rialto, and 'If King', at the Strand, slanted by a strong stage show, may hit \$50,000 or close.

This will be the highest for the Strand since it started pit shows this season. Also holds, although it did not get good grosses, 'Waltz' will end comfortably in the profit column with about \$33,000, and also sticks a second session.

Two secondary first-run entries that are running to good form are 'Listen, Darling', which will top \$8,000 at the Criterion, and 'Crime', which is holding steady at \$9,000. 'Crime' may be held over on this pace, best in long time here.

Second-run State, with 'If I Were King' and Jack Benny orchestra could be better but okay at \$20,000 or bit over. Holdovers of 'Sub Patrol' at Roxy and Arkansas 'Traveler' plus Larry Clinton, at the Par (latter washing up last night Tuesday), don't go into the record as raves, either, but both are entered in the same category. Roxy will get about \$30,000, while Par finished at \$31,000.

Creepers are 'Law West of Tombstone' at \$7,500 on 62 days ending last night, 'Fugate', at the Rialto, and 'Little Tough Guys in Society' on its second (final) week at the Rivoli, where only about \$4,000 is indicated for it.

Rialto opens 'Shadows Over Shanghai' today (Wed.), while Rivoli obtained a picture from 20th-Fox, 'Up the River', for Friday (2) opening. Par's new show today (Wed.), is for only one week, is 'Say It in French' and Count Basie. Sid Luckman and other football players on the Columbia, and the team of Lew Brown here tomorrow night (Thurs.).

Estimates for This Week
Astor (1,012; 55-61-10-15-65-72-20) — 'Antoinette' (M-G) (16th week). Closing date, set for Sunday (27), but may be this coming Sunday (24), with 'Pygmalion' (M-G) at pop prices slated to follow. Last week (15th) 'Antoinette' got \$4,400, which, it is claimed, was an expenses this far down on the run.
Capitol (4,520; 25-35-55-65-125) —

'Great Waltz' (M-G). Hurt by weather and reviews but strong enough on draught to get about \$33,000 the first week, good profit, and holds. Last week, third for 'Citadel' (M-G), \$19,000, o.k.
Criterion (1,662; 25-40-55) — 'Listen, Darling' (M-G). This is second Metro first-run in here and doing much better than average, looking over \$8,000. Last week, 'Illegal Traffic' (RKO) bounced to \$5,000.
Globe (1,274; 25-40-55) — 'Crime Takes Holiday' (Col). Racing smartly for a likely \$8,000, very good, and may be retained for a week or two ahead, 'Mr. Wong' (M-G) slowed to \$7,500 but quite all right.

Palace (1,700; 25-35-55) — 'Certain Day' (20th) and 'Man to Remember' (RKO). Both stage shows, in for eight days and good at probable \$8,500. Six-day run ahead of 'Sisters' (WB) (2d run) and 'Torchy Gots Man' (WB), (1st run), only \$6,000, weak.

Paramount (3,664; 25-35-55-85-90) — 'Say It in French' (Par) and Count Basie, which are stage shows, open here this morning (Wed.), following two weeks of 'Ark Traveler' (Par) and Larry Clinton, first, of which was \$37,000, second \$31,000. This isn't big but it adds to fair profit.

Radio City Music Hall (5,989; 40-60-84-99-155) — 'Cowboy and Lady' (UA) (2d run). Stage show, \$4,000 is coming in on this one in hunk, chance being good for \$105,000, excellent. Holds over. Last week, '60 Glorious Years' (RKO) \$50,000, but so-so. 'Blondie' (Col) (2d run) (U) on five days slightly over \$5,000.
Rivoli (2,092; 25-35-75-86) — 'Tough Guys in Society' (U) (2d-4th week). Holding up fairly for \$4,000 tops this week (2d) after first of \$6,000. House has 'Up the River' (20th) for opening Friday (2). Principal difficulty, has been finding product worthy of theatre and policy.

Roxy (5,838; 25-40-55-75) — 'Sub Patrol' (20th) and stage show. (2d-4th week). Holding up fairly for \$30,000 of thereabouts, after first week of \$44,500, good.
Strand (2,767; 25-35-75) — 'Angels with Dirty Faces' (WB) and, on stage, Ted Lewis. Strongest show house has had since putting in flesh, may finish high in profit column at \$50,000 or close. Holds over. Last week, 'If King' (Par) (2d run) was \$11,000.

Donahue, Jane Bryan and others, \$20,000, good.
State (3,450; 35-55-75) — 'If I Were King' (Par) (2d run) and Jack Benny orchestra. Business not smart, but satisfactory at \$20,000, same as scored last week with 'Stablemates' (M-G) and Joe Rines orch. Ella Logan, oth. etc. 'If I Were King' will be in for run engagement of four weeks at the Par across the street.

'Suez' Pacing Montreal At 8G; Lots of H.O.s

Montreal, Nov. 29. Capitol out in front with 'Suez', pacing for a good \$8,000. Three other first-runs are repeating on b.o. sessions. 'Dracula' and 'Frankenstein' are running well, with the Princess doing much better than expected.

Estimates for This Week
Palace (CT) (2,700; 25-45-55) — 'If King' (Par) (2d wk). After very good \$8,500, will continue with fair enough \$5,000 currently.

Capitol (CT) (2,700; 25-45-55) — 'Suez' (20th). Should show very nice \$8,000, easily topping town. H.O. of 'Boys Town' (M-G) grossed nice \$5,000.

Loew's (CT) (2,800; 25-34-40) — 'Man Remember' (RKO) and Hollywood Land. Par unit. Last week, better than \$3,000. Last week, 'Listen, Darling' (M-G) and Milt Britton band, \$6,000.

Princess (CT) (2,300; 25-34-50) — 'Dracula' and 'Frankenstein' (U) (2d wk). 'Dracula' is doing well with outlook for \$5,000 after surprising smash gross of \$6,100 last week.

Orpheum (Ind) (1,500; 25-40-50) — 'Young Heart' (UA) and 'Touchdown Army' (20th) (2d wk). Still a deal with \$3,000 in sight. Excellent \$3,500 last week.

Cinema de Paris (France-Film) (600; 25-50) — 'La Tragédie Impériale' (2d wk). Good chance for nice \$1,500. Oke \$2,200 last session.

St. Denis (France-Film) (2,200; 20-34) — 'Prisons Sans Barreaux' and 'Eties-Vous Jalouse'. Around average, \$4,000. Last week 'Trois Arrière' and 'Madame and Fort Arthur', middling \$3,800.

'Angels'-'Darling' Hefty \$25,000 In Frisco; 'Hour'-'Drummond' 14G

Paramount (Fox) (2,200; 25-40)—'Brother Rat' (WB) and 'Gangster Boy' (Mono). With \$7,500 in the strong box, a five-year record broken. Last week 'Road to Reno' (U) and 'Youth Takes Fling' (strong at \$4,000).

Rialto (Fox) (878; 25-40)—'Sisters' (WB), after a week at each the Denver and Aladdin; and 'Swing Cheer' (U). Nice \$2,000 in sign. Last week 'Suez' (20th), after a week at each the Denver and Aladdin, a

COLMAN DUAL
\$7,500, L'VILLE

Estimates for This Week
Apollo (Katz-Dolle) (1,100: 25-30-40) — 'Walking Dead' (WB) and 'White Zombie' (Sup). Revival of

Estimates for This Week
Aladdin (Fox) (1,400; 25-40)—
 'Young Heart' (UA), after a week at
 the Denver Strand—1,400; 25-40; 100

G.U.T. Expects Gov't Aid to Check Hoyt's Prod. Control in N. S. Wales

Sydney, Nov. 11. Long awaited showdown between Hoyts circuit and Greater Union Theatres chain in Australia is expected soon. Latter is counting on the government stepping in and taking a hand on Hoyt's alleged monopoly on ace product. This is expected to take the form of legislation in New South Wales which would make it impossible for exhibition interests to overstock on product to the detriment of other exhibitors. How this will be made effective is revealed in the hint that such legislation would void all contracts made before passage of the law.

GUT has appealed to Stevens to keep the film mart open to it. Although many predicted GUT would not last more than three months when Hoyts got preponderance of product, GUT is holding its own, getting products from Universal, Republic, Monogram, Cinesound, some Britishers plus a few Metro and Par features.

Most drastic suggestion made recently by GUT is that all pictures be sold on a percentage basis not exceeding 25% of the gross. It's said exhibs have had to pay as high as 60%. Other proposals submitted to the government are: (1) aid for home producers, (2) an Empire quota on a reciprocal basis, (3) a better deal for British product in the territory and (3) some means to prevent full domination of the local screen by foreign (U.S.) interests.

Before the current governmental session ends, amended legislation will be tried for various layouts in the industry. Chief Secretary Golan is reported to have made many suggestions, including registration of American films in New South Wales, registration fee for each U. S. picture (money to aid in local production), a films commission to handle industry problems, control of theatre construction and halting of unregistered distributors from becoming exhibitors.

2D SELINKO NOVEL FILMED IN HOLLAND

Amsterdam, Nov. 20. Film rights of Annemarie Selinko's second novel, 'Morgan Ist Alles Besser' ('All Will Be Better Tomorrow') was purchased by Filmex for production of a new Lili Bouwmeester vehicle in Dutch.

Picture will be made by the same unit which recently produced 'Vaderde Langen' ('Dad's Long Legs'), but new company is to be formed because of possible consequences resulting from 20th-Fox's suit against the latter film. Annemarie Selinko is already working on the screenplay with Friedrich Zelnik, who will direct.

The same writer's first successful novel, 'I Was an Ugly Girl' ('Ich war ein hässliches Mädchen'), was also sold to Holland last year, but will be filmed in France.

French Propaganda Set for N. Y. World Fair

Paris, Nov. 22. Besides a collection of newsreel shots of France, which will be shown at the New York World's fair next year, 10 French producers are planning shorts showing different aspects of life in the Third Republic. Directors and subjects so far decided upon are:

Rene Clair, 'The Life of a French Village'; Julien Duvivier, 'Peasants of France'; Jacques Feyder, 'The Day of a Policeman'; Marcel L'Herbier, 'Elegances'; Abel Gance, 'Profile of France'; Marcel Carne, 'Solutions Francaises'; Marc Allegret, 'Jeunes Filles de France'; Jean Benoit-Levy, 'Enfance'; Jean Renoir, 'Artistes et Artisans'; Leon Poirier, 'Heures Francaises'.

Mex. Prod. Curtailed

Mexico City, Nov. 20. Output of Mexican picture producers this year, up to Nov. 15, was 32 features.

Native production is figured at around 40 features for the year because labor row halted studios' activities for several weeks last summer.

WB Chary of Soviets

Proposal of the Soviet Government agency to buy 'Zola' and another picture, 'They Won't Forget,' from Warner Bros., stands little chance of going through. Price offered for two subjects is understood not to have entered into dealings, picture company refusing to take a chance after a previous buy experience.

In the other transaction seven or eight years ago, 'Cabin in the Cotton' was sought. After reading the production with titles and delivering print, man claiming to represent the Soviets dropped entire matter and has not been heard from since.

FRENCH FILMS UPBEAT, GREECE

Washington, Nov. 20. Mixed reports on popularity of American films in Greece were received last week by the Department of Commerce from the office of the American commercial attache at Athens.

While 60% of films received for exhibition in Greece, between Oct. 1, 1937, and May 31, 1938, were of U. S. origin, figures for 1938 show 'marked decline' in American participation in the Greek film trade as compared with the previous year, report stated. Skid was partly attributed to the improvement in French production and also to the failure of a large number of American pix to 'arouse public interest.'

However, 'interest in original versions of American feature films was further increased in 1938 and some of the leading theatres exhibited English-dialog films for full weeks with satisfactory box office returns,' report added.

Rio, S. C. Exhibs Split Par Exploit Awards

Paramount's international exploitation contest to pick the prize exhibitor in the world market has ended in a two-way tie. Committee of Hollywood judges was unable to decide between the domestic and foreign exploitation winner, and consequently the committee made up of Madeleine Carroll, Cecil B. DeMille and William LeBaron is awarding two silver cups.

The champs are Castro de Ramos, of the Plaza, Rio de Janeiro, and Harold Armistad, Lyric, Easley, S. C.

Schlesinger Scores

Capetown, Nov. 20. Criticizing the business dealings of four concerns controlled by I. W. Schlesinger, the 'Natal Mercury,' Durban (Natal), and the publishers, Central News Agency, were sued for defamation.

Appeal on exceptions taken by defendants was thrown out by supreme court, whereupon defendants published an apology to Schlesinger, withdrawing all imputations and paying law costs to date.

S. Africa's Pageant

Johannesburg, Nov. 10. 'The Great Trek,' a pageant of 40 episodes depicting the early history of the Dutch in South Africa, is set for Dec. 5 and 6 at Ellis Park, Johannesburg.

Three thousand performers will take part.

Max Milder Due in U. S.

Max Milder, managing director of Warner Bros. in England, is due in from Europe next week. He sails Dec. 3.

Milder will remain in New York City for about three weeks on business.

'Snow White' Nixed For Kids Under 14 in Holland

Amsterdam, Nov. 20. 'Snow White' (RKO), which had its opening here at the Nipper, and in The Hague, Metropool and Apollo, is forbidden for children under 14, according to censor's decision. RKO's only chance was to cut some of the 'frightening' scenes, but Walt Disney refused.

Mexico Spurns Italian Film; Cuba's Nazi Nix

Mexico City, Nov. 20. 'Scipio Africanus,' Italian-produced, seems to be definitely out here, with the lid clamped down by the Confederation of Mexican Workers, because the picture is 'imperialistic and fascist propaganda.'

Havana, Nov. 20. Local boycott is on, against the Spanish film 'Carmen,' which was made in Germany by Cifesa Co., former Spanish outfit. Exhibs add public object to the Nazi origin of the film and see in this version of 'Carmen' considerable Germanic ideology, not publicly sympathized with in Cuba.

The film star Imperio Argentina while in Havana some time ago was threatened, along with her son, because of her reputed pro-German leanings. Despite public advertisements by George Naylor, prez of Cuban Films Distributors, and Nestor Lao, of National Exhibitions Union, that the film was produced with Cuban money and contains no political propaganda, bookings have been cancelled.

METRO PICTURES SET PACE IN SOUTH AFRICA

Cape Town, Nov. 10. Three Metro films are getting the play here. Pictures are as follows: Colosseum, 'Alf's Button Afloat,' followed by 'Owd Bob'; Alhambra, 'Cocanut Grove' (Par); Plaza, 'Three Loves Has Nan' (G); followed by 'Marie Antoinette' (M-G); Royal, 'Firefly' (M-G); Alpheis, 'Night Club Scandal' (Par).

Johannesburg, Nov. 10. Pictures playing here: Plaza, 'Alcatraz Island' (WB); Standard, 'Kid Comes Back' (WB), followed by 'Double or Nothing' (Par); Colosseum, 'Snow White' (RKO); Metro, 'Boys Town' (M-G); Bijou, 'Only Young Once' (M-G).

Durban, Nov. 10. The following are films playing Durban: Prince's, 'Romance in Dark' (Par), followed by 'Alf's Button Afloat'; Criterion, 'Land Without Music'; Metro, 'Arsene Lupin Returns' (M-G); Playhouse, 'The Hurricane' (UA); King's, 'The Test Pilot' (M-G); Alhambra, 'Criminal Lawyer' (RKO); 20th-Fox, 'Dimples' (20th), followed by 'Seventh Heaven' (20th).

'Robin Hood' Hits Big B.O. in Foreign Field

'Robin Hood' is the big boxoffice attraction for Warner Bros. in the foreign field at the present time, according to recent reports. Feature is said to be the biggest foreign b.o. film to play Cairo in recent history. 'Robin Hood' is enjoying splendid business at the Rex theatre, Paris, where it had special exploitation in newspapers and on radio. It's the initial picture to go into France on the new deal with the Gaumont-British circuit in that country.

Dutch Colony Propaganda

Amsterdam, Nov. 20. First Dutch East Indian production program of recently founded Nidim (Nederlandsch-Indische Film Co.) is announced.

Firstly, 13 color shorts will be shot, ordered by the Dutch minister of economics as a publicity stunt to draw worldwide attention to the Dutch colonies.

Yank Cos. Take Steps to Find Jobs Elsewhere for Employees in Italy, Contingent on Dec. 31 Withdrawal

Jap Title Man Scrams

Hollywood, Nov. 20. S. Shimizu, Japanese translator for Paramount, is on his way back to Tokyo after completing Oriental titles for 'Men With Wings,' for distribution in Japan.

Under the new pact covering the importation of American-made pictures, all the release prints must be made in Japan. Bars were let down on 'Men With Wings' because Japan has no facilities for making Technicolor prints.

SHAW PLAY IN LONDON DEBUT

London, Nov. 20.

George Bernard Shaw's 'Geneva,' his 50th satire, opened at the Saville Tuesday (22), and though well received, showed itself to be deficient in dramatic construction. Play was first tried at Malvern Festival in August. H. K. Aylliff plays lead and assisted Shaw in direction.

'Idiot's Delight' will close at His Majesty's theatre Saturday (3) after 10 months in the West End. Will be followed by Metro's 'Great Waltz' film. Latter goes in for five and a half weeks with option.

'Under Your Hat,' musical comedy, opened at the Palace, Thursday (24). It stars Jack Hulbert and Cicely Courtneidge. Unpopular, received and generally praised by the press, but show is intrinsically conventional. With big advance library deal, show looks sure for lengthy run.

Hay Signs with GFD For 3 Picts at \$50,000 Per

London, Nov. 20. Will Hay, who has been starred by Gaumont-British for several years, has signed a contract with General Film Distributors. He will make three pictures, reportedly at \$50,000 per.

Current London Plays

(With Dates When Opened)

'French Without Tears,' Criterion—Nov. 6, '38.
'Robert's Wife,' Globe—Nov. 23, '37.
'Me and My Girl,' Victoria Palace—Dec. 18, '37.
'Nine Sharp,' Little—Jan. 26, '38.
'Wild Oats,' Princess—April 13, '38.
'Banana Ridge,' Strand—April 27, '38.
'Glorious Morning,' Whitehall—May 26, '38.
'Spring Meeting,' Ambassador—May 31, '38.
'Lot's Wife,' Savoy—June 10.
'The Fleet's Lit Up,' Hippodrome—Aug. 17.
'George and Margaret,' Piccadilly—Aug. 30.
'Running Riot,' Gaiety—Aug. 31.
'Flashing Stream,' Lyric—Sept. 1.
'Room for Two,' Comedy—Sept. 6.
'Dear Octopus,' Queens—Sept. 14.
'The Corn Is Green,' Duchess—Sept. 20.
'Goodbye, Mr. Chips,' Shaftesbury—Sept. 23.
'Bobby Get Your Gun,' Adelphi—Oct. 7.
'When We Are Married,' St. Martin's—Oct. 11.
'Quiet Wedding,' Wynham's—Oct. 14.
'Idiot's Delight,' His Majesty's—Oct. 24.
'They Fly by Twilight,' Aldwych—Oct. 27.
'Elizabeth of Austria,' Garrick—Nov. 3.
'Shoemaker's Holiday,' Playhouse—Nov. 4.
'Robust Invalid,' Apollo—Nov. 14.
'Gentlemen Unknown,' St. James—Nov. 16.
'Traitor's Gate,' Duke of York—Nov. 17.
'Geneva,' Saville—Nov. 22.
'Under Your Hat,' Palace—Nov. 24.

American picture companies already are trying to find new berths for old employees currently employed by them in operating the exchange step in Italy, indicating they're sincere about their withdrawal from the country by Dec. 31 rather than operate there under the nationalization decree, which becomes effective Jan. 1.

Younger workers in the exchanges in many instances will have to remain in Italy because of their obligation to military service. But veterans, not coming under this rule, will be spotted elsewhere. Where workers, long with the U. S. firms or thoroughly experienced, want to secure employment in the U. S., efforts toward that end will be made in certain instances.

Fascists Dubious It became known this week that the Italian government is attempting to sound out sentiment in film company home offices regarding the nationalization of foreign distribution. This was the only cheerful development in the situation with the eight major companies continuing to hold fast to the theory that they would be unable to operate in Italy with a special government film body in charge of foreign distribution.

Feeling is growing in the industry that it's not a question of American companies deciding to remain on Italian soil; they actually feel they're being forced out. Idea that the united front by the eight companies is a boycott also was heartily denied by industry chiefs.

Original Italian decree gave foreign companies 10 days in which to deposit all contracts with the Italian government. Later, this was extended to Dec. 31. Answer to both by the American companies was that they were still running their own distribution business on terms they might make with exhibitors in Italy and not on a flat sum deal with a government body.

Suggestion that a legal loophole might be found which would force four American companies to carry out their deals with Italian distribution firms also was scoffed. Legalists insist that American contracts give these companies the right to cancel parts when a third party enters the situation.

Third party, in this case, would be the Italian government's film body. With this governmental organization supervising all distribution, American companies would have no assurance that they would receive the amount called for in the old contracts, or be able to remove the full amount of rental coin due them. This also is regarded as definitely cancelling the contracts.

U. S. ACTIONERS CLICK IN BRITISH MALAYA

Washington, Nov. 20. Surprising popularity of American pix in British Malaya reflected in latest report from American Trade Commissioner at Singapore.

'Checking with U. S. Department of Commerce, trade official revealed that between 65-70% of films shown in British Malaya are American, with an annual earned revenue of approximately \$950,000. Secret of success with Asiatic audiences is 'action' portrayed in U. S. pix, official disclosed, though British productions normally would be expected to outclass American offerings.

Outlet for British films is mostly confined to the cities where a majority of the customers are British. Some indirect competition from Indians and Chinese, which 'play to a demand for their own and do not directly clash with American films,' report stated.

Metro's London Shift

Brought over here from England nearly a year ago by Metro, but not assigned to anything, Greer Garson is now being sent back to London by Metro to do a picture there for the company.

She sailed Saturday (26) and will go into 'Goodbye, Mr. Chips,' opposite Robert Donat. It's Metro's third English-made.

GLORY OF FAITH

(FRENCH-MADE)

(In French; with English Titles)

Film naturally has a ready-made audience in Catholics but seems sure to add draw from spiritually inclined of all religions and creeds. Average exhibitor probably can lighten his boxoffice with this picture, which seems certain of growing timely present-day story. As with this theatre, newsreel story on beatification of Mother Cabrini shown preceding feature is nice prelude.

Imperial release of Clifford Sanforth pro

The love of an impressionable child, son of wealthy parents in the mouse where seamstress goes to work, for the poor working girl is nicely treated. There is an attempted kidnaping of the youngster and near-fatal illness with the healing and prayer of the modern Marie-Therese restoring him to

Script has pace, variety and an adequate mixture of lighter moments and pathos. Director George Pallu has handled the plot and a well-picked cast with discrimination. His work on this picture indicates he will be heard from again with French-made features. Jane Bos' background music for sequences where St. Theresa's life in a convent is unfolded is fittingly impressive.

Story progresses in routine fashion

The film serves to introduce a youthful cinematic bet in the child star, Gabriel Farguette, who plays Jean Renaut, son of rich parents. He shows uncanny pace, the more dramatic scenes being worthy of a youngster twice his age. Jacqueline Francell gives a first-rate interpretation of Marie-Therese, the seamstress, and also as the saint. In the latter role, she is gripping. However, it is the child actor, Farguette, who, steals the production.

(FRENCH-MADE)

Raymond Galle, as the faithful sweetheart of Marie, is outstanding in the support which includes Germaine Sablon, excellent as the vindictive other girl; Jean Dax and Alice Tissot.

English titling is so deft that the French dialog spoken on the screen is hardly noticed.

Wear.

(‘The Rebel’)

LE REVOLTE

Hollywood, Nov. 2

(FRENCH-MADE) Paris, Nov. 19.
Lux release of C.I.C.C. production. Stars: Pier-
re Renoir, Lucien Dary, Katia Lova;
scenarists: Aime Claribond. Directed by
Jean Mhouth. Screen play, Clouzot, Vil-
lares, from a Maurice Larouy original.
Camera, Rene Caveau, Juin, Charles
Caveau, Barry. At Normandie. Running
time; 103 mins.
Cast: Pierre Renoir, Rene Dary, Katia
Lova, Aime Claribond, Lucien Dalsace,
Charpin, Marcelle Geniat, Pierre Labry,
Femerson, Engelmann, Lupovic, Jean

RKO-Radio release of Cliff Reid produc-

'Le Revolte' is about a smart guy who abides by the slogan, 'Neither God Nor Master,' and how he lost it by joining the French navy. Renard plays the title part well. Pierre Dreyer gives good performance as the destroyer captain, who knows how to whip a crew into shape. With the aid of Katia Lova, Renard and the crew make the wise guy into a God-fearing, patriotic sailor, and the girl gets her man.

Unlaid, lacking in action despite use of a couple of destroyer shells, film falls in on the propagandist objective. Attempt to convince those naves navy won't spoil their darlings is not convincing. Secondary moral tries to give lessson of difference between the two sides. The boys, use plenty of judgment and the real sailor can be made of an anarchist.

The setting throughout is the French naval port of Toulon by courtesy of the French navy. Some of the moralizing by sailors aboard ship would make a Yank gob run round the block. The aim was to pull much boxoffice here, with chances abroad being slim. Benois turns in a good performance, but is inferior.

According to Carl Niese, president of the Vogue, deluxe name members of the Associated Theatre Owners of Indiana are making a concerted effort to avoid payment of the 1% sales tax added to all pic in voices by distributing companies. Exhibitors last week deducted that tax from payment of invoices, claiming they pay a double tax, on their weekly gross, and again on the rental fee.

While such an exigency is covered in contracts between distributors and exhibitors, latter feel they will get a favorable decision if dispute is carried into court. Tax applies to all film rentals throughout state.

READ WHAT HAPPENED!

SPRINGFIELD (Lincoln) — Biggest opening of the season except "Alexander's Ragtime Band."

ALBANY (Palace) — Opening day even bigger than "Alexander's Ragtime Band."

SAN FRANCISCO (Paramount) — Opening day topped "Suez" — third day of run topped "Suez" opener!

RICHMOND (Byrd) — Biggest opening of the season except "Alexander's Ragtime Band."

PORTLAND (Paramount) — Running ahead of everything but "Alexander's Ragtime Band."

NORFOLK (Norva) — Season's biggest opening except "Alexander's Ragtime Band."

BUFFALO (Century) — Opening topped all 20th hits at this house this season.

MILWAUKEE (Wisconsin) — Record opening topped even "Alexander's Ragtime Band."

That's 20th's Sensational
SUBMARINE PATROL

Films' Elaborate Briefs

(Continued from page 3)
of the petition to describe the relationship. It is held that answer should be required to remove the present contradiction in the charge. Requests in the order in which they are listed, including sub-items, embrace the following:
Request that period of time covered by the phrase "for many years, last past" be stated.

Defendants ask whether petitioner claims that defendants have employed any means or instrumentalities in accomplishing the alleged violations other than certain violations listed and, if so, to describe such alleged means.

Restraint and Monopoly

In connection with the accusation that defendants have "contracted, combined, and conspired to restrain interstate trade," it is claimed the petition nowhere amplifies this charge. Defendants ask for time and place, of each such contract, etc., names of parties involved, names of agents, etc.

Under charge of having attempted to monopolize, having monopolized, having combined and having conspired to monopolize the market for exhibition of pictures in first-run metropolitan theatres, defendants ask for essential particulars on matters not stated in the petition as well as to matters which are alleged in such general manner as to be non-informative and useless to defendants in answering and preparing for trial. Defendants ask nature and terms of express agreements, if any, and the acts and practices upon which petitioner relies as to the ultimate facts from which the inference can be drawn that defendants have combined and conspired to monopolize the first-run metropolitan de luxe market, plus other phases of attempts to monopolize. Also, defendants ask statement of the time when violations occurred and name of each participant in the violations charged.

Petition, it is alleged, does not describe the facilities involved nor state the time or manner in which claimed such facilities were integrated in connection with the charge that five producer-exhibitor defendants have "integrated the principal production and exhibition facilities of the motion picture industry." Defendants also ask whether illegality in line with this charge is claimed to be the result of agreement among them; also, in that event, for particulars as to parties to any such contract, terms, names of agent or agents, plus time and place of agreements or understandings. It is also requested that each violation be identified and the manner indicated in which such integration is related thereto. Defendants, moreover, ask for the names of the theatres and their location by cities or states which petitioner claims are "first-run metropolitan theatres."

Asks whether Government bases its charge of monopolization of the metropolitan de luxe market solely upon the first-run de luxe theatres and, if not, to identify each other theatre claimed to contribute to such monopolization.

'Exclude' Other Producers

Statement is requested as to the manner in which it is claimed defendants have excluded all other producers of pictures from first-run exhibition in first-run theatres, as charged, and the period of such exclusion. Claimed also that the petition fails to describe the manner in which the defendants have "coupled" production and first-run facilities in order to accomplish this exclusion.

Defendants ask whether petition claims that they have entered into an agreement to exclude independently produced pictures from their first-run metropolitan theatres and, if so, that particulars be furnished. Names of the indie producers so excluded are asked, together with circumstances surrounding the exclusion and names of defendants charged therewith. Also, whether the Government is referring to the same thing in use of the terms, "first-run market," "first-run market in metropolitan cities," "market for the exhibition of motion pictures," etc.

Defendants ask whether petitioner claims they have entered into any contract or agreement between them to execute "intenable agreements, contracts and understandings" for the purpose of achieving the alleged exclusion. Term, "preferred-run" is asked to be defined and "petitioner should state what it is defendants are charged with monopolizing."

Request is made whether the alleged monopoly of first or preferred

run exhibition pertains to the exhibition of all motion pictures, regardless of quality or whether the monopolization exists only as to "quality films," as charged.

The same particulars are asked with respect to (1), attempt to monopolize, (2) monopoly, (3) combination and (4) conspiracy to monopolize the first or preferred-run. Also, nature and terms of any contract or conspiracy, time when each alleged violation commenced and period it has been in effect.

Moreover, details as to means employed in connection with a combination or conspiracy, plus names of each person claimed to have participated, are sought.

Theatres

In connection with the charge that the producer-exhibitor defendants, in acquiring theatres, have not gone into the same competitive areas to any extent, defendants ask whether petitioner claims that such action was the result of agreement and, if so, to furnish particulars. It is also asked that petitioner specify instances where producer-exhibitor defendants have compelled independent exhibitors to sell or dispose of their theatres to them, plus methods employed, time and place of the incident and names of individuals involved.

Defendants request identification of each "respective area or areas" referred to in connection with monopoly of picture supply by producer chains, name of each of latter having such monopoly and nature of the monopoly. Memorandum also seeks information as to what is the "market" or what are the areas in the various states which the producer-exhibitor defendants monopolize, including territories in which two or more producer-distributors have theatres.

Under the charge relating to a common purpose under which the producer-chains receive priority and preference on film over all other exhibitors, defendants ask time, place, names of participants, etc., plus a description of the phrase "priority and preference."

Petitioner is asked to identify franchisees, contracts, agreements and understandings in connection with the charge relating to priority or preference accomplished through a system and series of franchisees, contracts, agreements and understandings, plus period of time defendants have been extended priority.

Defendants ask for identification of instances of alleged reservation of film in favor of producer-chain defendants, together with whether it is claimed this alleged reservation results from any contract, agreement or understanding among them and, if so, to furnish particulars.

Instances whether two or more producer-chains arrange a convenient division of pictures between them in large metropolitan areas is also asked.

Indies

One charge of the Government is that all indie exhibs are systematically excluded from procuring, under fair competitive conditions, first or preferred-run of high grade, quality films. A definition of the phrase "high grade, quality films" and identification of instances where this exclusion has occurred are sought. It is also asked that petitioner state the characteristics which distinguish "feature photoplays" of the better grade and quality from other photoplays and from "high grade quality films." Clarity is sought on whether defendants are charged with having monopolized the production of "feature photoplays" or of "feature photoplays of the better grade and quality."

Memorandum states that defendants do not know whether petitioner claims the alleged monopoly of production has been achieved by any of their acts independently of the others or as a result of the joint efforts of all the producer defendants. Details in this connection are asked, as well as to cover the charge relating to placing under contract of most of the valuable stars, featured players, directors, technicians, etc., including terms of service, salary, number of pictures contracted to be made or any other standard petitioner has in mind which will enable identification of the stars and other "unlawfully placed under contract."

Personnel

Particulars are also demanded as to personnel which has been under

contract to more than one producer at the same time, including period and instances; data as to identification of instances where personnel has not been permitted to be placed under contract by an indie producer; identification of the period of time covered by the phrase "in recent years" defendants have carried on a practice of loaning contract talent among themselves; and instances where defendants have refused a loan to an indie company.

Information is desired on range of admission prices called for by the phrase, "small admission prices" and the range of production of pictures petitioner claims are "cheaper pictures."

Details in connection with the charge of imposition of unfair trade practices are asked, including whether this has been as a result of any agreement among the defendants and whether it is claimed practices have been imposed upon indie exhibs only in the situations where they compete with an affiliated chain theatre. Definition of "affiliated theatre" is also sought, together with nature and extent of the control of a theatre by a major producer or of its financial interest there which determines that such a theatre is "affiliated."

Defendants ask what relationship petitioner claims exists between the acquisition by Warners of Stanley Co. and First National, and the violations of law charged throughout the petition.

What is meant by the phrase "better motion picture films": the number of such films that petitioner claims has been produced by the defendant companies and by all producers during each of the years covered, is another request made.

Key Cities, Etc.

Names and locations of cities which the petitioner claims are "key cities"; what the petitioner claims constitutes a "circuit"; a definition of the phrase "dominated and controlled" in connection with the charge producer-chains have for years controlled almost all of the metropolitan de luxe theatres; names of such de luxe theatres, etc., are also sought in the bill of particulars.

Other requests concern whether petitioner claims that curtailment of the number of films made by them has been accomplished pursuant to any agreement and in what respects franchisees and agreements are selective in character in line with charge producer-distributors favor licensing of product to producer-chain defendants.

The motion is filed in behalf of all defendants in the U. S. suit excepting Bar Nelson, Harry King, Charles A. McCulloch, Harold A. Fortington, Frederick Strauss, Columbia Pictures and co-defendants, United Artists and all UA defendants, Adolph Ramish, Al Lichtman, George M. Armsby and William A. Phillips. Columbia and UA defendants have filed separate motions.

Order Examination In Upstate N. Y. Action

Numerous executives of motion picture concerns were ordered yesterday (Tuesday) by N. Y. Federal Judge Edward Conger to appear for examination before trial of the \$225,000 anti-trust suit brought by the Orange County (N.Y.) Theatres, Inc., against Eugene Levy and George Walsh, operators of picture houses at Newburgh, N. Y. Other defendants in the action are: Paramount Pictures, Inc., 20th Century-Fox, Big U Film Exchange, RKO-Radio Pictures, and United Artists. Those directed to appear and to bring records of picture leases covering the period from 1935-1937 are Joseph Lee, also a defendant, to appear on Dec. 5; S. R. Kent, president of 20th-Fox, Dec. 6; Neil Agnew and M. S. Kissel, both of Paramount, Dec. 7; Walsh, Dec. 13, and William Sussman of 20th-Fox, Dec. 21.

HAYBURNER PAYS OFF

Hollywood, Nov. 29. Marie Wilson's first starer, "Sweepstakes Winner," got the gun yesterday (Monday) at Warners.

Another starer was "Smashing the Money Ring," one of the Secret Service series starring Ronald Reagan.

SMITH'S NEW ERPI POST

Clifford W. Smith, formerly general sales manager for Electrical Research Products, Inc., left yesterday (Tuesday) for the Coast to take his new post of general West Coast manager of Erpi.

In new duties, Smith will be in California most of time.

Alvin, Mpls., in the Middle of Odd Selling Situation; Other Film Deals Being Closed Up All Over the Map

Still Campaigning

Pittsburgh, Nov. 29. At opening of new Harris-Senator theatre here last week, Frank J. Harris, president of company and Allegheny county GOP chairman, told how his circuit had opened 20 houses here in last five years. He then introduced Mayor Scully, of Pittsburgh, a Democrat, but not before handing him a political rib or two.

Scully got back at him, however, when he cracked: "Opening 20 theatres in a Democratic administration speaks better for my party than it does for Frank's."

VET FILM STARS STILL IN THE RUNNING

Hollywood, Nov. 29.

Yesterday's Hollywood stars are still on the job, although their names no longer illuminate the marquee. They can be spotted in any of the studios, playing character roles, bit parts or anything that can snatch out of the cinema grab bag.

One can find a flock of them in one picture on the Warner lot. "Juarez" has more than 50 speaking parts, and in them are such bygone luminaries as Frank Mayo, Stuart Holmes, Paul Panzer, Holmes Herbert, Fred MacMasters, Montagu Love and Francis McDonnell.

On the same lot Monte Blue, once a star in his own right, has a speaking part in "Dodge City." Vera Lewis is doing her bit in "Always Leave Them Laughing," and Jack Richardson still promotes an occasional laugh.

It looks like an oldtimers convention at Paramount. Ethel Clayton and Betty McLaren are in "Midnight," Betty Compson has a featured spot in "Hotel Imperial," Bryant Washburn and Don Alvarado do their stuff in "Cafe Society," Agnes Ayres, Valentino's girl friend in "The Sheik," is in "Union Pacific" along with Julia Faye, Antonio Moreno, Polly Moran and Raymond Hatton are in "Ambush."

At RKO, Evelyn Brent is doing a comeback and dicker for a contract. Jack Mulhall is making good in character parts and so is Herbert Rawlinson.

Betty Blythe, once the gorgeous Queen of Sheba, breaks into the cast frequently at Metro. Working occasionally at the same studio are King Baggott, Maurice Costello, Barbara Bedford, Harry Myers and Rosemary Theby.

20th-Fox affords occasional jobs for Clara Kimball Young, Ruth Clifford and Pauline Garon, and Universal does the same for Gertrude Astor and Jean Acker.

A colossal aggregation of stars—if they could roll back the years.

From Art to Artist, Gene Aiello's Pic Shift

Gene Aiello may step from the art department to pictures as an actor. He has been contacted by Columbia for a part in "Golden Boy," based on the play, and is scheduled to discuss the matter with Rouben Mamoulian, director, now in New York. Formerly with United Artists' art department, Aiello joined Paramount as an artist several weeks ago.

WB's Xmas Midnights

Philadelphia, Nov. 29. Orders were sent out by Warner circuit this week for midnight shows in keys and selected group of other houses on Sunday, Dec. 25 (Christmas).

All Houses have a regular standing order for the 12 o'clockers on New Year's Eve, which this year falls on a Saturday.

Minneapolis, Nov. 29.

Although W. A. Steffes announced last summer than his Alvin, de luxe loop 1,600-seat house, would reopen this fall with a film policy, the house continues dark and the reason is inability to obtain product, according to those in the know. Steffes himself refuses to discuss the situation. It was common knowledge in trade circles, however, that he had sent out queries to the various exchanges relative to availability of product and that the answers were not at all encouraging.

At the time that Steffes made his announcement relative to the Alvin's reopening, following the filing of the government's anti-trust suit against major distributors, he had expressed confidence that local exchanges would not have the temerity to deny him product in light of trade developments. In effect, he declared he'd get pictures "or know the reason why."

United Artists here hasn't made a product deal yet with the Paramount circuit, and there is talk in trade circles that this product may go into the Alvin. But Steffes says he "never heard of the report" and Ralph Cramblett, United Artists branch manager here, refuses to discuss the matter.

UA insistence on percentage deals for all of its releases has kept it from selling Twin City independent exhibitors as well as the Paramount chain. Percentages demanded run from 25-35%. The only company that has gotten away with percentages, as far as the Minneapolis and St. Paul independents are concerned, is Metro. Although the independents went on record at the outset of the selling season that they wouldn't make an exception in M-G case, this time they have done so, going for the company's deal with four percentage pictures almost 100%.

Paramount still is having trouble making deals with the Twin City independents, not on account of percentage, but on account of the stiff rentals asked.

GN and Mono Selling

Deals already made on Grand National product following takeover of company by E. W. Hammons include the Fabian circuit for Brooklyn; Shea chain in Ohio, Pennsylvania and New England situations, and the Warner New Jersey circuit for two early releases as starter, "Shadow Over Shanghai" and "CIPHER Bureau."

Late buys for "Monogram's" '38-39 product include the Schine circuit in New York and Ohio; Kinney-Wilby in Georgia and North Carolina; Martin in south; Sparks circuit in Florida; Great States in Indiana and Illinois; Chester in Cincinnati; Jefferson Amusement, Dallas; Central States and Pioneer Theatres, Iowa; Dickinson Theatres in Kansas; WB upstage, in Jersey, Washington, L. A. and Pennsylvania territories; Rickards and Nace, Arizona; Strand Enterprises, Memphis; Rosenblatt & Wolf in N. Y.; Comerford in Philadelphia; E. K. Taylor circuit, Salt Lake and the Saenger circuit in the south.

Republic has closed one of its most important deals to date with the Skouras Metropolitan N. Y. circuit for 65 houses for 1938-39 product. Morris Epstein, Rep's N. Y. branch manager, negotiated the buy with John Benas, representing Skouras.

United Artists has closed on its '38-39 product with the Interstate Circuit of 100 houses in the southwest and the Schine chain of 75 operations in New York, Ohio, Kentucky and Maryland.

WB's Frenchie

Philadelphia, Nov. 29. Warner circuit here has bought "Grand Illusion" French pic for a large number of its houses here. Foreigners are generally taboo except in a few heavily-lingual nabs, but "Illusion" had such a long run at the tiny Studio here that WB snapped it up for general release.

Spurs for the McCoy

Philadelphia, Nov. 29. "Outlaws Paradise," third of the eight Tim McCoy westerns for Victory Pictures, rolled yesterday (Monday) at Progressive studios. Cast includes Benny Corbett, John Barclay and Ted Adams.

HELP!



You won't need *any* help to sell this one!

80,500,000

**comic strip readers and radio fans are
already sold on PARAMOUNT'S ...**

"LITTLE ORPHAN ANNIE"

with ANN GILLIS A Paramount Picture • Directed by Ben Holmes • Based on the Comic Strip Character by Harold Gray

Advance Production Chart

weeks prior. Either released or previewed are 140, with 86 in the cutting rooms and 316 still to start shooting to complete season's promise of 580.

zell; no writing credits released; photographed by Ray June. Cast: Eleanor Powell, Robert Young, George Burns and Gracie Allen, Eddie Anderson, Judith Allen, Jo Ann Sayres, Rita Johnson, Willie Fung, Clarence Kolb, Bert Roach.

Expected that around \$6,500 will be raised from the \$10-a-plate dinner.

'LET US LIVE,' produced by William Perlberg; directed by John Brahm; screen play by Anthony Veiller and Allen Rivkin; Cast: Henry Fonda, Maureen O'Sullivan, Ralph Bellamy, Henry Kohler, Alan Baxter, Stanley Ridges.

Pictures now in cutting rooms or awaiting previews are:

"TARIS HONEYMOON" (for 1938-39 season), produced by Harlan Thompson, directed by Frank Tuttle; screen play by Frank Butler and Don Hartsman; based on a story by Angela Sherwood; photographed by Karl Struss; cast: Bing Crosby, Francisca Gaal, Akim Tamiroff, Ben Blue, Edwards Everett Hirston, Shirley Ross, Rafaela Ottiano, Keith Kenneth, George Gay, Norah Gale, Laurie Lane, Louise Seidel, Paula de Cardo, Evelyn Keyes, Harriette Haddon, Maria Doray, Louise Seidel, Judy King, Jan

Fields, Harry Davenport, Spencer Charters, Etienne Girardot.
"THE TRIGGER PALS," Conemart Productions; produced by Phil
 N. Krasne; directed by Sam Neufeld; original story by George
 Plympton and Ted Richmond; screen play by George Plympton. Cast
 Arthur Jarrett, Lee Powell, Al St. John, Dorothy Fay, Ernie Adams,
 Stanley Blystone, Ted Adams, Durkie Thane, Earl Douglas, Nina Guilber
 Ethan Allen, Bob Walker, Frank La Rue, Wally West, Carl Matthews.

"PARIS HONEYMOON" (for 1939-39 season), produced by Harlan Thompson; directed by Frank Tuttle; screen play by Frank Butler and Don Hartman; based on a story by Angela Sherwood; photographed by Karl Struss. Cast: Bing Crosby, Francisca Gaal, Akim Tamiroff, Ben Blue, Edward Everett Horton, Shirley Ross, Rafaela Ottiano, Keith Kenneth, George Gay, Norah Gale, Laurie Lane, Louise Seidel, Paula de Cardo, Evelyn Keyes, Harriette Haddon, Maria Doray, Louise Seidel, Judy King, Jane Bryan, John Davidson, Alvin Karpis, Dorothy White.

Total	51	12	6	6	27	27
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Pictures now in the cutting rooms or awaiting previews are:

**'FOUR DAUGHTERS'
'THE SISTERS'
'BROTHER RAT'
'ANGELS WITH DIRTY FACES'
'HEART OF THE NORTH' in Technicolor**

**Warners made
them ALL!**

and...

FOR CHRISTMAS



DAWN PATROL

Advance Production Chart

(Continued from page 17)

'WORTH', formerly titled **'THE LAST RIDE'**, formerly titled **'ESCAPE FROM YESTERDAY'** (for 1938-39 season), produced by Jeff Lazarus; directed by Alfred E. Green; original story and screen play by Ferdinand Reyher and John C. Moffitt; photographed by William Mellor. Cast: Akim Tamiroff, Fred Hunter, Leif Erikson, Lynne Overman, Vladimir Sokoloff, Wade Crosby, Dewey Robinson, William Newell, John Bliefer, Alex Woloshin, James Flavin.

'ST. LOUIS BLUES' (for 1938-39 release), produced by Jeff Lazarus; directed by Raul Walsh; screen play by John C. Moffitt and Malcolm Stuart Boylan; based on adaptation by Frederick Hazlitt Brennan of story by Eleanor Griffin and William Rankin; additional dialog by Virginia Van Upp; photographed by Theodor Sparkuhl. Cast: Lloyd Nolan, Dorothy Lamour, Tito Guizar, Jessie Ralph, Maxine Sullivan, William Frawley, Punks Parker, Jerome Cowan, Matty Malneck and His Boys.

'TOM SAWYER, DETECTIVE', produced by Harold Hurley; associate producer, Edward T. Lowe; directed by Louis King; screen play by Lewis Foster, Robert Yost and Stuart Anthony; based on the novel by Mark Twain; photographed by Ted Tetzlaff. Cast: Donald O'Connor, Billy Cook, Porter Hall, Philip Warren, Janet Adair, Clara Blancett, Elisabeth Risdon, Edward Pawley, Etta McDaniel, Oscar Smith, William Harte, Stanley Price, Harry Worth, St. Jinks, Clem Bevans, Raymond Hatton, Howard Mitchell, Monte Blue, Roy Van Donson, Vic Demorelle, Jr., Murdock MacQuarrie, Billy Engle, Eugene Jackson, Robert Homans, Jane Keckley, Elsie Bishop, Lew Short, Lon Poff, Albert Hart, Tyler Brooke, Ethel Clayton.

'KING OF CHINATOWN', executive producer, Harold Hurley; associate producer, Stuart Walker; directed by Nick Grinde; screen play by Lillie Hayward and Irving Reis; based on a story by Herbert Biberman; photographed by Leo T. Kary. Cast: Charles Bickford, William Henry, Naish, Anthony Quinn, Roscoe Karns, Bernadene Hayes, Philip Alin, Sidney Toler, Ray Mayer, Alex Pollard, Sam Ash, Charles Townbridge, Archie Twitchell, George Anderson, Marie Burton, Sheila Darcy, Wong Chong, Richard Denning, Judy King, Dolores Casey, Dorothy Dayton, Paula De Carlo, Karlene Kell, William Harte, Charles Bickford, Charles B. Wood, George Magrill, Lily King, Ethel Clayton, Guy Usher.

'DISBARRED', produced by Harold Hurley; directed by Robert Florey; screen play by Lillie Hayward and Robert R. Presnell from story by Harry Sauer; photographed by Harry Fishbeck. Cast: Gail Patrick, Otto Kruger, Robert Preston, Shirley Taylor, Helen MacKellar, Jack Clement, Edward Mart, Olin Howland.

'AMBUSH', G.M.O. production; associate producer, William Wright; directed by Kurt Neumann; screen play by Laura and S. J. Perelman based on a story by Robert Ray; photographed by William Mellor. Cast: Gladys Swarthout, Eddy Chandler, William Wright, William Henry, Hartley Tufts, Rufe Davis, Brod Crawford, Antonio Moreno, Harry Fleischmann, John Hart, Raymond Hatton, Robert Greig, Richard Denning, Clem Bevans, Max Hoffman, Jr., Jim Pierce, Eddie Acuff, Al Hill, Frank Meredith, Ted Oliver, George Melford, Polly Moran, Mark Zenger, Ethel Clayton, Wade Boteler, Shirley Taylor, John Case, John White.

'ZAZA' (for 1938-39 season), produced by Albert Lewin; directed by George Cukor; screen play by Zoe Akins; from play by Pierre Berton and Charles Simon; photographed by Charles Lang. Cast: Claudette Colbert, Herbert Marshall, Bert Lahr, Helen Westley, Constance Collier, Genevieve Tobin, Rex O'Malley, Mollie, North Cole, Gwen Kenyon, Ernest Cossart, John Sutton, Michael Brooke, Philip Warren, Alexander Leftwich, Janet Waldo, Fredrika Brown, Dorothy Dayton, Harriett Haddon, Helaine Moler, Dorothy White, Duncan Renaldo, Hala Linda, Tom Ricketts.

'BUILDING THE SECRET POLICE', G. M. O. production; associate producer, Edward T. Lowe; directed by James Hogue; no writing credits released; photographed by Merritt Gerstad. Cast: John Howard, Heather Angel, H. B. Warner, Elizabeth Patterson, Reginald Denny, E. E. Clive, Leo Carroll, Forrester Harvey, David Clyde, Clyde Cook, Gerald Rogers, Neil Fitzgerald, Robert C. Fisher, Ernest.

'ARIZONA BRACELETS', produced by Harry Sherman; directed by Leslie Selander; based on original story by John Rathmell; additional dialog and sequences by Harrison Jacobs; photographed by Russell Harlan. Cast: William Boyd, Russell Hayden, George Hayes, Charlotte Wynters, Russell Hopton, John H. Wood, Robert C. Fisher, Ernest Cossart, John Sutton, Michael Brooke, Philip Warren, Alexander Leftwich, Janet Waldo, Fredrika Brown, Dorothy Dayton, Harriett Haddon, Helaine Moler, Dorothy White, Duncan Renaldo, Hala Linda, Tom Ricketts.

'PERSONS IN HIDING', G.M.O. production; associate producer, Edward T. Lowe; directed by Louis King; screen play by William R. Lipman and Horace McCoy; original by J. Edgar Hoover; photographed by Harry Fishbeck. Cast: Charles Bickford, William Henry, Naish, Anthony Quinn, Roscoe Karns, Bernadene Hayes, Philip Alin, Sidney Toler, Ray Mayer, Alex Pollard, Sam Ash, Charles Townbridge, Archie Twitchell, George Anderson, Marie Burton, Sheila Darcy, Wong Chong, Richard Denning, Judy King, Dolores Casey, Dorothy Dayton, Paula De Carlo, Karlene Kell, William Harte, Charles Bickford, Charles B. Wood, George Magrill, Lily King, Ethel Clayton, Guy Usher.

'TWO WEEKS WITH FAY', formerly titled **'PARENTS ON PROBATION'**, G. M. O. production; associate producer, William Wright; directed by George Archibald; screen play by Laura and S. J. Perelman; based on a story by Lloyd Corrigan and Monte Brice; photographed by Henry Sharp. Cast: Charles Ruggles, Mary Boland, Joyce Mathews, Donald O'Connor, Billy Lee.

Paramount Pix Now In Production

'CAFE SOCIETY', produced by Jeff Lazarus; directed by Ed H. Griffith; original and screen play by Virginia Van Upp; photographed by Ted Tetzlaff. Cast: Madeleine Carroll, Fred MacMurray, Shirley Ross, Claude Gillingwater, Allyn Joslyn, Don Alvarado, Mira McKinney, Hilda Plowright, Dorothy Tree, Harlan Briggs, Frances Raymond, Ruth Rogers, Dorothy White.

'NEVER SAY DIE', produced by Paul Jones; directed by Elliott Nugent; screen play by Don Hartman, Frank Butler and Preston Sturges; based on a play by William H. Post; photographed by Leo Tover. Cast: Martha Raye, Bob Hope, Ernest Cossart, Paul Harvey, Alan Mowbray, Siegfried Rombach, Andy Devine.

'UNION PACIFIC', produced and directed by Cecil B. DeMille; associate producer, William H. Pine; location director, Arthur Rossen; no writing credits released; photographed by Victor Milner. Cast: Barbara Stanwyck, Joel McCrea, Robert Preston, Akim Tamiroff, J. Carroll Naish, Lynne Overman, William Harte.

'MIDNIGHT', produced by Arthur Hornblow; directed by Mitchell Leisen; no writing credits released; photographed by Charles Lang. Cast: Claudette Colbert, Don Ameche, Francis Lederer, John Barrymore, Mary Astor, Elaine Barry, Hedda Hopper.

'ROYAL IMPERIAL', directed by Robert Florey; no writing credits released; photographed by William Mellor. Cast: Isa Miranda, Ray Milland, Reginald Owen, Gene Lockhart, Rudolph Forster, Curt Bois, Michel Werboff, Henry Victor, Spencer Charters, Bodil Rossing, Betty Compton, Wolfgang, Zilker, Edgar Brecher, Bert Roach, Augustin, Borgato, Paul Kruger, Don Cossack Chorus.

'TM FROM MISSOURI', produced by Paul Jones; directed by Theodore Reed; no writing credits released; photographed by Merritt Gerstad. Cast: Bob Burns, Gladys George, Judith Barrett, Barbara McKinney.

'THE LADY IN THE LAGOON', produced by Jeff Lazarus; directed by Al Hall; no writing credits released; photographed by Theodor Sparkuhl. Cast: George Raft, Ellen Drew, Hugh Herbert, ZaSu Pitts.

RKO-Radio

	Number of Promised	Number Com- pleted	Now Shoot- ing	New Balance to Be Placed Stories in Cutting Rooms Cameras Preparation
Studio	50	12	3	7 28 28
St. Lesser	3	2	1	0 0 1
Herbert Wilcox	1	0	0	0 0 1
Total	54	14	4	7 29 29

Pictures now in the cutting rooms or awaiting previews are:

'GUNGA DIN' (for 1938-39), produced and directed by George Stevens; screen play by Ben Hecht and Charles MacArthur; photographed by Joe August. Cast: Cary Grant, Victor McLaglen, Douglas Fairbanks, Jr., Joan Fontaine, Eddie Dowling, Sam Jaffe, Montagu Love, Lumsden Hare, Robert Coote, Abner Bierman.

'BEAUTY FOR THE ASKING', produced by B. P. Fineman; directed by Glenn Tryon; original story by Edmund L. Hartmann; screen play by Doris Anderson and Paul Jarroico; photographed by Frank Beal. Cast: Lucille Ball, Patricia Crowley, Donald Woods, Lucille Inescort, Leona Maricle, Inez Courtney, Frances Mercer, Whitney Bourne, Ann Evers.

'ARIZONA LEGION', produced by Bert Gilroy; directed by Dave Howard; original by Bernard McConville; screen play by Oliver Drake; photographed by Harry Wild. Cast: George O'Brien, Laraine Johnson, Carlyle Moore, Tom Hartnett, Glenn Strange.

'PACIFIC LINER', produced by Robert Sisk; directed by Lew Landers; original by Anthony Coldeway and Henry Roberts Symonds; screen adaptation by John Twist; photographed by Nick Musuraca. Cast: Victor McLaglen, Chester Morris, Wendy Barrie, Alan Hale, Barry Fitzgerald, Paul Guilfoyle, Allan Lane, John Wray, Douglas Walton, Walter Miller.

'THE GREAT MAN VOTES', produced by Robert Reid; directed by Garson Kanin; original by Gordon Malherbe Hillman; screen play by John Twist; photographed by Russell Metty. Cast: John Barrymore, Peter Holden, Virginia Weidler, Donald MacBride, Bennie Bartlett, Katharine Alexander, Elisabeth Risdon, Granville Bates, Luis Alberni, Clarence Kolb, J. M. Kerrigan.

'THE PURE IN MIND', formerly titled **'SAINTS WITHOUT WINGS'**, produced and directed by P. J. Wolfson; original screen play by Albert Bein; photographed by Roy Hunt. Cast: Anne Shirley, Roger Daniel, James McCallion, Walter Ward, Charles Powers, John Fitzgerald, Frank Malo, Paul White, Alan Baxter, Walter Teley, Arthur Hohl, Norman Willis.

'NEXT TIME I MARRY', formerly titled **'TRAILER ROMANCE'**, produced by Cliff Reid; directed by Garson Kanin; screen play by Dudley Nichols and John Twist; photographed by Russell Metty. Cast: Lucille Ball, Charles Ellison, Lee Bowman, Granville Bates, Mantan Moreland, Dick Elliott, Florence Lake, Frank Shannon.

RKO-Radio Pictures Now In Production

'LOVE AFFAIR', produced and directed by Leo McCarey; no writing credits released; photographed by Rudolph Mate. Cast: Irene Dunne, Charles Boyer, Lee Bowman, Maria Ouspenskaya, Maurice Moscovitch, Fred Malatesta, Scotty Beckett, Astrid Allwyn, Phyllis Kennedy.

'THE CASTLES', produced by George Haight; directed by Henry Potter; no writing credits released; photographed by Robert De Graaf. Cast: Astor, Glen, Rogers, Walter Brennan, Lew Fields, Edna May Oliver, Jack Carson, Esther Muir, Janet Beecher, Donald MacBride, Sonny Lamont.

'FISHERMAN'S WARE', produced by Sol Lesser; directed by Bernard Vorhaus; original screen play by David Schulz; photographed by Clyde Lewis and Ian Hunter; photographed by Charles Schoenbaum. Cast: Bobby Green, Leo Carrillo, Henry Armetta, Lee Patrick, Tommy Bupp, Rosina Gail, George Humbert, Leon Belasco, Leonard Kimbrick, Ronny Page, Jackie Salling, Mito Marchetti, Jr., Stanton M.

'THE KING OF THE BEANS', produced by Pandro S. Berman; directed by Leigh Jason; screen play by Ernest Pagano and Dalton Trumbo; photographed by J. Roy Hunt. Cast: Douglas Corrigan, Paul Kelly, Robert Armstrong, Donald MacBride, Dorothy Appleby, Eddie Quillan, Joyce Compton.

Republic

	Number Promised	Number Com- pleted	Now Shoot- ing	New Balance to Be Placed Stories in Cutting Rooms Cameras Preparation
Total	59	14	1	5 39 39

Pictures in the cutting rooms or awaiting previews:

'ORPHANS OF THE STREET', formerly titled **'STRONGHEART'**, produced by Herman Schlom; directed by Irving Pichel; original screen play by Earl Felton; photographed by Ernest Miller. Cast: Tommy Ryan, Robert Livingston, June Storey, Ace (canine), Harry Davenport, James Burke, Ralph Morgan, Sidney Blackmer, Victor Kilian.

'RED RIVER RANGERS', produced by William Berke; directed by George Sherman; original story by Luc Ward; screen play by Stanley Roberts, Betty Burbridge and Luc Ward; photographed by Ray Conrad. Cast: Max Terhune, Peggy Lavin, Stanley Blystone, Lenore Bushman, Burk Caruth, Roger Williams, Earl Askam, Olin Francis.

'SHINE ON HARVEST MOON', produced by Charles E. Ford; directed by Joe Kane; original screen play by Jack Nottetford; photographed by William Nobles. Cast: Roy Rogers, Charles Starrett, Lulu Williams, Belle and Scotty, Chester, Sunnys, Stanley Andrews, Jack Rockwell, Pat Henning, Frank Jaquet, Joe Whitehead.

'FEDERAL MAN HUNT', produced by Armand Schaefer; directed by Nick Grinde; original by Sam Fuller and William Lilly; screen play by Maxwell Shane; photographed by Ernest Miller. Cast: Robert Livingston, June Travis, Ben Welton, Horace MacMahon, Gene Morgan, Margaret Mann, Charles Halton, Sybil Harris, John Galloway, Jerry Tucker, Matt McHugh, Frank Conklin.

'FIGHTING THOROUGHBOREDS', formerly titled **'KENTUCKY SWEEPSTAKES'**, produced by Armand Schaefer; directed by Sidney Skalkov; screen play by Wellyn Tolman; additional dialog by Karl Freund. Cast: Jack Markey, Cast: Ralph Byrd, Mary Carlisle, Robert Allen, George Hayes, Marvin Stephens, Charles Wilson, Kenne Duncan, Victor Kilian, Eddie Brian, Robert Warwick.

Republic Pix Now In Production

'MYSTERIOUS MISS X', produced by Herman Schlom; directed by Gus Meins; no writing credits released; photographed by Ernest Miller. Cast: Melvyn Frank, Mary Hart, Chick Chandler, Wade Boteler, Regis Toomey, Don Douglas.

20th Century-Fox

	Number Promised	Number Com- pleted	Now Shoot- ing	New Balance to Be Placed Stories in Cutting Rooms Cameras Preparation
Total	55	21	3	7 24 24

Pictures in the cutting rooms or awaiting previews are:

'GIRL FROM BROOKLYN', formerly titled **'BY THE DAWN'S EARLY LIGHT'** (for 1938-39 season), produced by Edward Kaufman; directed by Gregory Ratoff; original by Gene Markay; photographed by Karl Freund. Cast: Warner Baxter, Alice Faye, Charles Winninger, Keye Luke, Arthur Treacher, William Fung, Doris Lloyd, Leonid Snegoff.

'THE LITTLE PRINCESS' (in Technicolor), produced by Gene Markay; directed by Walter Lang; screen play by Ethel Hill and Walter Ferris; based on novel by Frances Hodgson Burnett; photographed by Arthur Miller; Technicolor photography by William Skall. Cast: Shirley Temple, Richard Greene, Anita Louise, in Hunter, Cesar Romero, Arthur Treacher, Mary Nash, Sybil Jason, Miles Mander, Marcia Mae Jones, Deirdre Gale, Ira Stevens.

'TAIL SPIN', produced by Harry Joe Brown; directed by Roy Del Ruth; original screen play by Frank Weed; photographed by John Mesall. Cast: Alice Faye, Constance Bennett, Nancy Kelly, Joan Davis, Charles Farrell, Jane Wyman, Jane Richmond, Sally Vernon, Joan Valerie, Robert Lowery, Edward Norris, J. Anthony Hughes, Jack Pennick, Warren Hymer.

'THE THREE MUSKETEERS', produced by Raymond Griffith; directed by Allan Dwan; music and lyrics by Sid Kuller, Ray Golden, Walter Bullock and Samuel Pokrass; screen play by M. M. Muselman, Wm. A. Drake and Sam Hellman; special title Brothel materials by M. M. Muselman and Ray Golden; photographed by Powell Marley. Cast: Rita Brothers, Don Ameche, Gloria Stuart, Pauline Moore, Binnie Barnes, Joseph Schildkraut, John Carradine, John King, Lionel Atwill, Douglass Dumbrille, Miles Mander, Russell Hicks.

'JESSE JAMES' (for 1938-39), in Technicolor, produced by Nunnally Johnson; directed by Henry King; original screen play by Nunnally Johnson; photographed by George Barnes. Cast: Tyrone Power, Henry Fonda, Donlevy, Douglas Fowley, Jane Darwell, Donald Meek, Ernest Whitman.

'KENTUCKY' (in Technicolor), produced by Gene Markay; directed by David Butler; screen play by Lamar Trotti and John Taintor Foote; based on novel, 'Lord of Eagles,' by John Taintor; photographed by Ernest Palmer. Cast: Loretta Young, Richard Widmark, Walter Brennan, Ralph Morgan, Richard Widmark, Douglas Dumbrille, James West, Charles Waldron, Karen Morley, Ward Robinson, Moroni Olsen.

'THANKS FOR EVERYTHING', produced by Harry Joe Brown; directed by William A. Seiter; music and lyrics by Mack Gordon and Harry Revel; screen play by Harry Tugend; adaptation by Curtis Kenyon and Art (Continued on page 21)

Warners' Profit Down \$3,945,461; Debenture Plan

Operating profit of Warner Bros. and subsidiaries dropped \$3,945,461 in the fiscal year ending last Aug. 27, as compared with the preceding fiscal 12 months, according to the company's statement issued last week. Operating profit totaled \$1,929,721 as against \$5,876,182 in the previous year, after provisions for Federal income tax including surtax on undistributed profits and after deducting all other charges in both instances. This was equal to 41c on the common as compared with \$1.48 for the fiscal year ending in 1937, after providing for the preferred dividends.

Gross income, after eliminating inter-company transactions, totaled \$102,205,911 as compared with \$100,516,496 in 1937.

The company noted the fact that Warnott, Inc., 75% of whose capital stock is owned by Warner Bros. Pictures, Inc., and Continental Lithograph Corp., 71.6% of whose common stock and 58.1% of whose preferred stock is owned by Warner Bros. Pictures, Inc., are included in the consolidated financial statement for the first time. As a consequence, the accounts of all subsidiary companies in which the company owns directly or indirectly, 75% or more of the equity or common stock are included in the statement.

In addition to the operating profit, a net credit has been made to the deficit statement in the amount of \$1,931,024 and capital surplus has been increased by \$90,000.

Deficit Cut.
As a result of this \$1,931,024 net credit, Warner Bros. statement shows that the deficit on Aug. 27, 1938, carried to balance sheet, amounted to only \$327,298 as against \$4,188,044 on Aug. 28 last year. Company's capital surplus was figured at \$57,134,330.

Warner Bros. noted the fact that pictures planned and produced on an elaborate scale during the fiscal year covered by the report, when recovery seemed to have definitely set in late in 1936 and early in 1937, were more expensive than estimated because of new labor contracts, labor laws and taxes.

WB Debenture Exchange Detailed.
A total of \$18,964,000 principal amount of Warner Bros. debentures have been deposited, and certificates of deposit, listed on the New York stock exchange, issued for them under the plan of exchange provided by Warner directors.

This note points out that the company's optional 6% convertible debentures, due in 1939, mature by their terms on Sept. 1 next year and that the directors have given careful consideration to this maturity. After a canvass of the situation, it is stated, it became obvious, from the condition of the capital securities market, that a satisfactory offering of a refunding issue of debentures could not be successfully underwritten and sold. Only other alternative was to offer to debenture holders new debts in exchange for the old maturing in 1939. Company then submitted a plan of exchange dated July 22 this year to debenture holders, providing for the offering of transferable certificates of deposit for the \$29,400,000 debentures then outstanding, new series being due in 1948.

Under the 75% stipulation, to make the plan effective, Warner Bros. needs less than \$4,000,000 of old liens to be shifted into certificates for the new debentures to make the plan operative. However, the company must make declaration to that effect. Directors Monday (29) voted to extend the date on which exchange may be made to March 15, 1939. Old deadline was Dec. 1 next.

Quash \$1,399,397 Claims

Two claims totaling \$1,399,397 filed by G. B. Theatres Corp. against Paramount-Public Corp. were tossed out yesterday (Tuesday) by N. Y. Federal Judge Alfred C. Cox on the recommendation of Special Master John C. Joyce.

The claims were based on indentures held by G. B. Corp. from 1926 to 1930. These indentures were later transferred to Olympic Theatres Corp., which also went into bankruptcy.

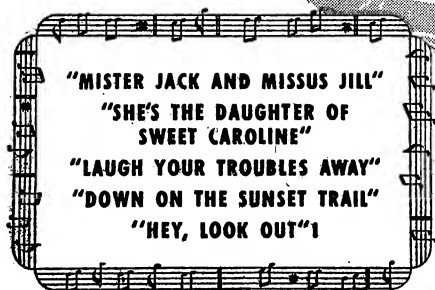
★ IT'S NEW! ★ IT'S DIFFERENT! ★ IT'S NOVEL!

and NOVELTY is the rarest thing in the show world! The first all-midget feature ever filmed...its actors take themselves seriously—there's a real hero, a real villain (both on Shetland ponies), a heroine (saved in the nick-o'-time), all played with seriousness that leads to laughs by the hundred! Released DECEMBER 1...at a time when you need something different to talk about!

Yes, sir....

MIDGETS IN A
MUSICAL WILD
WEST DRAMA
SURE CAN BE
COLOSSAL!

THEY LOVE!
THEY FIGHT!
THEY SING!



A SPECIAL
RELEASE*

JED
BUELL'S
MIDGETS

THE TERROR OF TINY TOWN

Screen play by Fred Myton
Directed by Sam Newfield
**A COLUMBIA
PICTURE**

* This picture is sold separately and not included in Columbia's regular 1938-39 product contracts.

Advance Production Chart

(Continued from page 19)

Arthur; based on story by Gilbert Wright; photographed by Lucien Andrieu. Cast: Jack DeLeon, Adrienne Menjou, Jack Haley, Arleen Whelan, Binnie Barnes, Tony Martin, Herman Bing, Gregory Gaye.

20th-Fox Pix Now in Production

'WIFE, HUSBAND AND FRIEND', produced by Nunnally Johnson; directed by Gregory Ratoff; no writing credits released; photographed by Ernest Palmer. Cast: Loretta Young, Warner Baxter, Binnie Barnes, George Barbier, Eugene Pallette, Franklin Pangborn, J. Edward Bromberg, Helen Westley, Ruth Terry, Harry Rosenthal, Edward Cooper, Iva Stewart, Alice Aronson, Dorothy Denning, Kay Griffith, Helen Ericson.

'DANGEROUS CARGO', produced by Sol M. Wurtzel; directed by Ricardo Cortez; no writing credits released; photographed by Virgil Miller. Cast: Preston Foster, Lynn Bari, Wally Vernon, Henry Wilcoxon, Joan Woodbury, Harold Huber, Jody Gilbert.

'CHARLIE CHAN IN HONOLULU', produced by John Stone; directed by H. Bruce Humberstone; no writing credits released; photographed by Charles Clarke. Cast: Sidney Toler, Rayllys Brooks, Eddie Collins, Claire Dodd, George Zucco, Robert Barrat, Marc Lawrence, Richard Lane, John King, Sen Yung.

United Artists

	Number of Pix Promised	Number of Pix Completed	Now Shooting	New Balance to Be Placed in Cutting Rooms	Stories in Preparation
Samuel Goldwyn.....	2	1	1	2	2
Selnick.....	2	1	1	2	2
Walter Wanger.....	3	0	1	1	6
Chaplin.....	1	0	0	0	1
Roach.....	3	1	1	1	5
Lincoln.....	5	2	2	1	3
Edward Small.....	5	0	1	1	3
Total.....	33	5	4	4	20

Pictures in the cutting room or awaiting previews are:

'TRADE WINDS', produced by Walter Wanger; directed by Tay Garnett; screen play by Dorothy Parker, Alan Campbell and Frank R. Adams from original story by Tay Garnett; photographed by Rudolph Mate. Cast: Freddie March, Joan Bennett, Ralph Bellamy, Ann Stothard, Alan Baxter, Robert Emmett O'Connor, Patricia Farr, Wilma Francis, Jack Linaker, Dorothy Tree, Phyllis Barry, Walter Byran, Wilson Benge, Harry Paine, Hooper Atchley, Franklin Parker, Lee Phelps, John Webb Dillion, Dick Rush, Mrs. Solja, Gloria Youngblood, Ethelreda Leopold, Marie DeForest, Earl Wallace, Princess Luana, Pauline Arthur, Olga Magara, Suzanne Kaaren, Lotus Liu, Robert Elliott, Sylvia Blackmer.

'TOPPER TAKES A TRIP', produced by Milton H. Bren for Hal Roach; directed by Norman Z. McLeod; screen play by Jack Evnne and Eddie Moran from the Thorne Smith novel; photographed by Norbert Brodine. Cast: Constance Bennett, Roland Young, Billie Burke, Alan Mowbray, Verree Teasdale, Alexander D'Arcy, Franklin Pangborn, Leon Belasco, Irving Pichel.

'MADE FOR EACH OTHER', produced by David O. Selznick; directed by John Cromwell; screen play by Jo Swerling; photographed by Leon Shamroy. Cast: Carole Lombard, James Stewart, Lucille Watson, Donald Briggs, Charles Coburn, Arthur Hoyt, Ruth Weston, Nella Burke, Hand Briggs, Mickey Rentschler, Esther Dale, Edwin Maxwell, Tully Marshall.

'DUKE OF WEST POINT', produced by Edward Small; directed by Alfred E. Green; original screen play by George Bruce; photographed by Robert Planek. Cast: Louis Hayward, Jean Fontaine, Tom Brown, Richard Carlson, Alan Curtis, Jonathan Hale, Gaylord Pendleton, Donald Barry, George McKay, Lane Chandler, William Bakewell.

United Artists Pix Now in Production

'STAGECOACH', produced by Walter Wanger; directed by John Ford; screen play by Dudley Nichols; based on story by Ernest Haycox; photographed by Bert Glennon. Cast: Claire Trevor, John Wayne, Andy Devine, George Bancroft, John Carradine, Donald Mack, Louise Platt, Tim Holt, Thomas Mitchell, Bertin Churchill, Florence Lake, Chris Martin, Francis Ford, Yakima Canutt, Nora Cecil, Paul McVey, Elvira Rios, Cornelia Keefe, Jack Pennick, Lou Mason, Berenda Fowler, Chief Big Tree, Harry Tenbrook, Kent Odell, Marga Ann Daughton, Lloyd Ford.

'IT'S SPRING AGAIN', produced for Hal Roach by A. Edward Sutherland; based on story, 'Zenobia's Infidelity,' by H. C. Bunner; photographed by Karl Struss. Cast: Oliver Hardy, Harry Langdon, Alice Brady, Billie Burke, Jean Parker, June Lang, James Ellison, Stepin Fetchit, Hattie McDaniel.

'ENTERING HEIGHTS', produced by Samuel Goldwyn; directed by William Wyler; from novel by Emily Bronte; photographed by Greg Toland. Cast: Merle Oberon, Laurence Olivier, Hugh Williams, Flora Robson, Geraldine Fitzgerald, Leo G. Carroll.

'KING OF THE TURF', produced by Edward Small; directed by Alfred E. Green; screen play by George Bruce; photographed by Robert Planek. Cast: Adolphe Menjou, Roger Daniel, Alan DeBarth, Tom Hanlon, Oscar O'Shea, Snowdakes, Cliff Nazarro, Smoky Saunders, Charles Borel.

Universal

	Number of Pix Promised	Number of Pix Completed	Now Shooting	New Balance to Be Placed in Cutting Rooms	Stories in Preparation
Total.....	48	18	3	10	17

Pictures in the cutting room or awaiting previews:

'HIS EXCITING NIGHT', formerly titled 'ADAM'S EVENING', produced by Ken Goldsmith; directed by Gus Meins; original by Katherine Kavanagh; photographed by Henry Sharp. Cast: Charles Ruggles, Maxie Rameaux, Marian Martin, Ona Munson, Georgia Kaine, Raymond Parker, Frances Robinson, Richard Lane, Benny Baker, Stepin Fetchit, Stanley Hughes, Regis Toomey.

'BUCK ROGERS' (serial), produced by Barney Sarecky; co-directed by Ford Beebe and Saul Goodkind; screen play by Norman Hall and Ray Trampe from serial story by Dick Calkins and Phil Nolan; photographed by Jerry Ash. Cast: Larry Crabbe, Constance Moore, Reed Howes, Wheeler Oakman, Jackie Moran, Carleton Young, Henry Brandon, Philson Ahn.

'SWING, SISTER, SWING', produced by Burt Kelly; directed by Joseph Santly; original screen play by Charles Grayson based on story by Kathryn Kelly; photographed by Elwood Redell. Cast: Robert Murray, Kathryn Kelly, Johnny Dowd, Eddie Quillan, Ernest Truax, Ted Weems and orchestra, Edna Sedgwick, Nana Bryant, Esther Howard, Herbert Heywood, Emmett Vogan.

'GAMBLING SHIP', formerly titled 'LADY LUCK', produced by Irving Starr; directed by Aubrey Scotto; screen play by Alex Gottlieb; photographed by George Meehan. Cast: Robert Wilcox, Helen Mack, Ed Brophy, Joseph Sawyer, Selmer Jackson, Sam McDaniel.

'SCOUTS TO THE RESCUE', formerly titled 'THE EAGLE SCOUT' (serial), produced by Henry MacRae; co-directed by Ray Taylor and Alan James; original story by J. Irving Cross; screen play by Wyndham Gittens, George Plymton, Basil and Joseph Poland; photographed by William Sclater. Cast: Jackie Cooper, Lucy Gilman, William Ruhl, David Durand, Adams, Richard Bottlier, Bill Cody, Jr.

'THE LAST WARNING', formerly titled 'THE DEAD DON'T CARE', Crime Club production; produced by Irving Starr; directed by Al Rogell; screen play by Edmund L. Hartmann from novel by Jonathan Latimer; photographed by George Meehan. Cast: Preston Foster, Frank Jenks, Ralph Dunn, Frank Coghlan, Jr., Sidney Miller, Jason Roberts, Victor Adams, Richard Bottlier, Bill Cody, Jr.

'HONOR OF THE WEST', formerly titled 'SINGING SHERIFF', produced by Trem Carr; associate producer, Paul Malvern; directed by George

Wagner; original screen play by Joseph West; photographed by Harry Neumann. Cast: Bob Baker, Marjorie Bell, Carleton Young, Jack Kirk, Glenn Strange, Forrest Taylor, Frank Ellis.

'PIRATES OF THE SKIES', formerly titled 'PLANE 66', produced by Barney Sarecky; directed by Joe McDonough; screen play by Lester Cole and Ben Grauman; from original story by Lester Cole; photographed by Jerry Ash. Cast: Kent Taylor, Rochelle Hudson, Marjorie Martin, Lucien Littlefield, Stanley Andrews, Hojace MacMahon, Ray Walker, Frank Puglia, Guy Usher, Eddie Chandler, Henry Brandon, John Harmon.

'STRANGE FACES', produced by Burt Kelly; directed by Errol Taggart; screen play by Charles Grayson from original story by Cornelius Reece and Arndt Gisinger; photographed by Elwood Redell. Cast: Dorothea Kent, Frank Jenks, Andy Devine, Leon Ames, Mary Treen.

'PHANTOM STAGE', produced by Trem Carr; directed by George Wagner; original screen play, Joseph West; photographed by Harry Neumann. Cast: Bob Baker, Marjorie Reynolds, George Cleveland, Forrest Taylor, Reed Howes, Murdoch McQuarrie, Glenn Strange, Frank Ellis, Ernie Adams, Jack Kirk.

Universal Pix Now in Production

'SON OF FRANKENSTEIN', directed by Rowland V. Lee; original screen play by Willis Cooper; photographed by George Robinson. Cast: Basil Rathbone, Boris Karloff, Bela Lugosi, Lionel Atwill, Josephine Hutchinson.

'NEWSBOYS' HOME', produced by Ken Goldsmith; directed by Harold Young; original by Gordon Kahn; screen play by Gordon Kahn and Charles Grayson; photographed by Milton Krasner and John W. Boyle. Cast: Jackie Cooper, Edmund Lowe, Wendy Barrie, Elisha Cook, Jr., Joe Crehan, William Gould, Edward Norris and the Little Tough Guys—Harrie Berger, Rolly Chester, Charles Duncan, David Gorcey and William Benedict.

'YOU CAN'T CHEAT AN HONEST MAN', associate producer, Lester Coward; directed by George Marshall; original story by Charles Bogie; photographed by Milton Krasner. Cast: W. C. Fields, Edgar Bergen and Charlie McCarthy, Princess Baba.

Warners

	Number of Pix Promised	Number of Pix Completed	Now Shooting	New Balance to Be Placed in Cutting Rooms	Stories in Preparation
Total.....	52	8	7	16	21

Pictures in the cutting room or awaiting previews are:

'BLACKWELLS ISLAND', produced by Bryan Foy; directed by William McGann; original screen play by Crane Wilbur and Dave Marcus; photographed by Sid Hickox. Cast: John Garfield, Richard Lane, Morgan Callaghan, Egge Stenstrom, Dick Purcell, Lottie Williams, Stanley Fields, Charles Fox, Norman Willis, Granville Bates, Raymond Barley, Jimmy O'Gatty, Wade Boteler, William Davidson, Walter Young.

'THEY MADE ME A CRIMINAL', produced by Benjamin Glazer; directed by Busby Berkeley; screen play by Sig Herzog from story by Bertram Millhauser and Beulah Bondi; photographed by James Howe. Cast: John Garfield, Gloria Dione, Beulah Bondi, Claude Rains, Billy Halop, Huntz Hall, Leo Gorcey, Gabriel Dell, Bobby Jordan, Bernard Punsley.

'LOVE BITES MAN', formerly titled 'UNFIT TO PRINT', produced by Sam Bischoff; directed by James Flood; screen play by Earl Baldwin, Niven Busch, Lawrence Kimble and Robert Buckner from original story by Saul Elkins and Sally Sandson; photographed by Charles Rosher. Cast: Pat O'Brien, Joan Blondell, Bobbi Jordan, Alan Baxter, Joe Cunningham, Douglas Dumbrille, Armand Kaliz, Ed Dearing.

'DEVIL'S ISLAND', formerly titled 'RETURN OF DR. X', produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by George Barnes. Cast: Boris Karloff, Leonard Mudie, Frank Reichner, George E. Stone, Fred C. Corbin, Nat Carr, Tom Wilson, Sidney Bracy, Stuart Holmes, Dino Corrado, John Harmon.

'NANCY DREW—DETECTIVE', formerly titled 'PASSPORT TO LARKSPUR LANE', produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by Lew O'Connell. Cast: Bonita Granville, Frankie Thomas, John Littel, John Ridgely, Richard Bond, Frank Mayo, Dick Mower, Helena Phillips, Evans, Frank Orth.

'WOMEN IN THE WIND', produced by Bryan Foy; directed by John Farrow; screen play by Lee Katz and Albert DeMond from novel by Francis Walton. Cast: Kay Francis, William Gargan, Victor Jory, Maxie Rosenbloom, Sheila Bromley, Harvey Stephens, Frankie Burke, Frank Raylen.

'GOING PLACES', produced by Barney Glazer; directed by Ray Enright; screen play by Marcia Lee, Harry Wald, Sig Herzog; photographed by Arthur Todd. Cast: Dick Powell, Anita Louise, Helen Jenkins, Walter Catlett, Minna Gombell, Thurston Hall, Hal Huber.

'DAWN PATROL', produced by Robert Lord; directed by Edmund Goulding; original screen play by Seton I. Miller and Don Totheroh. Cast: Errol Flynn, Melville Cooper, Basil Rathbone, Rodin Rathbone, David Alan Harford, Russell Simpson, George H. Ely, Pedro de Cordoba, Jack Mower, John Harmon, Anthony Averill, J. Crawthors.

'KING OF THE UNDERWORLD', formerly titled 'UNLAWFUL', produced by Bryan Foy; directed by Lew Seiler; screen play by George Bricker; photographed by Sid Hickox. Cast: Kay Francis, James Stephenson, Humphrey Bogart, John Eldredge, Jessie Busfield, Harles Foy, Joe Deva, Anthony Averill.

'HEART OF THE NORTH' (in Technicolor), produced by Bryan Foy; directed by Lewis Seiler; screen play by Robert Rossen, Vincent Sherman and Lee Katz from novel by William Byron Mowery; photographed by L. William O'Connell. Cast: Dick Farrow, Margaret Lindsay, Gloria Dickson, Janet Chapman, Patric Knowles, Alan Jenkins, James Stephenson, Alice Harford, Russell Simpson, George H. Ely, Pedro de Cordoba, Jack Mower, John Harmon, Anthony Averill, J. Crawthors.

'WINGS OF THE NAVY', produced by Lou Edelmann; directed by Lloyd Bacon; original screen play by Michael Fessier; photographed by Arthur Edson. Cast: George Brent, Olivia de Havilland, John Payne, Frank McHugh, John Ridgely, Henry O'Neill, John Littel, Regis Toomey, Donald Briggs, Max Hoffman, Jr., John Gaillard.

'TORCHY IN CHINATOWN', produced by Bryan Foy; directed by William Beaudine; screen play by George Bricker; photographed by Warren Lynch. Cast: Glenda Farrell, Barton MacLane, Henry O'Neill, Tom Kennedy, Janet Shaw, Dick Bond, Patric Knowles, James Stephenson, Andy Lawlor, Frank McHugh, George Guhl, Joe Cunningham, Jack Mower, Charles Hickman, Bruce Mitchell, John Harmon.

'ADVENTURES OF JANE ARDEN', produced by Mark Hellinger; directed by Terry Morse; no writing credits released; photographed by L. William O'Connell. Cast: Rosella Towne, William Gargan, Dennis Moore, Peggy Shannon, Edgar Edwards, Maris Wrixin, Frankie Burke, Pierre Watkins.

'NANCY DREW, REPORTER', produced by Bryan Foy; directed by William Clemens; no writing credits released as yet; photographed by Arthur Edson. Cast: Bonita Granville, Frankie Thomas, John Littel, Mary Lee, Dickie Jones, Betty Annann, Astrid Allwyn, Larry Williams, Thomas Jackson, Leonard Mudie, Irving Bacon, Sheila Bromley, Beulah Bondi, Charles Hall.

'CRIME IS A RACKET', produced by Sam Bischoff; directed by Lew Seiler; no writing credits released; photographed by Sol Polito. Cast: Humphrey Bogart, Gale Page, Billy Halop, Henry O'Neill, John Littel, Harold Huber, Henry Travers, Harvey Stephens.

'SECRET SERVICE IN THE AIR', produced by Bryan Foy; directed by Noel Smith; no writing credits released as yet; photographed by Ted McCord. Cast: Ronald Reagan, Irene Rhodes, Rosella Towne, James Stephenson, John Littel, Morgan Conway, Joe Cunningham, Anthony Averill, Larry Williams, Richard Bond, John Ridgely, Eddie Foy, Jr.

Warner Pix Now in Production

'DARK VICTORY', produced by David Lewis; directed by Edmund Goulding; screen play by Casey Robinson from play by George Brewer, Jr., and Bertram Bloch; photographed by Ernest Haller. Cast: Bette Davis, George Brent, Geraldine Fitzgerald, Humphrey Bogart, Ronald Reagan, Henry Travers, George Guhl, Joe Cunningham, Lottie Williams, Virginia Brissac, Frank Reichner, Pierre Watkins.

'OKLAHOMA KID', produced by Sam Bischoff; directed by Lloyd Bacon; screen play by Robert Buckner, Jerome Odum and Warren Dowf; from original by Edward Paramore; photographed by James Wong Howe.

(Continued on page 23)

PA. CENSORS WITHDRAW 'BALTIC DEPUTY' BAN

Philadelphia, Nov. 29. Pennsylvania State Board of Censors dropped its court fight yesterday to ban Amkino's 'Baltic Deputy.' It ordered withdrawn its appeal to the state supreme court from a decision of Judge Curtis Bok which set aside its original nix last March as 'incompetent and prejudicial.'

Our action was taken on the advice of Attorney-General Bard," declared Patrick Duffy, a member of the board. "If he had not so advised us, we would have gone on with the fight."

Attorney-General said his advice to withdraw the plea was given because the censors' made out no legal case in the first place, because they failed to give reasons for banning the picture. Bard said they just banned it and let it go at that. He said three deputy attorneys general had studied the record and all agreed there was no case.

Court record shows Mrs. A. Mitchell Palmer, chairman of the board, testified she just didn't want Pennsylvania to see such a picture. I don't like Communism so the picture is not the kind I want to see shown."

At the time, Judge Bok declared, "the censors failed to state their reasons for disapproval, as required by the act. To supply this inexcusable neglect, the three members of the board were put on the stand and their testimony showed a lack of any intelligence, basis of judgment or any conception of the true nature of censorship."

Suit was brought for Amkino by Louis McCabe. He said the pic will be released in Philly shortly. Meanwhile, the Censor Board yesterday passed the picture as "Professors Mamlock." Film was banned in Chicago, later released.

Theatres—Exchanges

San Antonio. Maurice Gleaves, Empire manager, shifted to Houston to take over management of eastwood, nabe. V. P. Welker, assisted by J. Jimenez, Latin-American Film Exchange, back from tour of Texas cities as manager for Tona La Negra, Mexican film star and singer.

Pittsburgh. Sam Soroker, from Boston office, named exchange manager for Gaiety, which is being replaced by a vacant since Mark Goldman resigned several months ago to head local Monogram branch at death of David J. Selznick.

William Martin has quit as manager of WB Etna and Harold Friedman moved from Ritz to succeed him. Max Silberman upped from assistant at Manor to membership of Ritz with Jack Kahn, office boy in Warner publicity department, going to the Manor. Charles Bricker left the Ritz to the Palace, where Warrington, assistant at Warner, switches to Earlight in similar capacity; Edward Humberman moves from Model to Warner, and George Campbell, doorman at Sheridan Square, promoted to assistant's spot at Model.

Los Angeles. Arroya theatre, dark for 10 weeks, was reopened by Fox West Coast. Lease on Granada theatre, Inglewood, ended, and leased for 10 years by Fox West Coast.

Lincoln. Leo M. Fergen, Clay Center, Neb., has taken over two mid-state houses, the Clay, Clay Center, and the Strand, Blue Hill, Neb. Were formerly owned by Paul Tramp, who is looking for new management for the Lawrence Berkeley, former operator of the Parrot, Alma, Neb., has taken over the Aztec, Deshler, Neb. Charles Laune was the former owner.

Liberty here goes from the Lincoln Theatres Corp. (1) to Nebraska Theatres, Inc. NIT will open it, remodel and re-equipped on the Liberty, about Jan. 1. It will be a subsequent run off the NIT Variety. It's a 1,200-seater.

Rochester, N. Y. Richard DeTotto, Geneva, has taken over the Palace, Clifton Springs, from Martins Circuit. Carl Polvino, manager, in charge of Phelps theatre for the Martins.

STORY BUYS

Hollywood, Nov. 29. David Weissman sold two tales, 'The Singing Revolt' and 'Without Benefit of Arms,' to Tri-Art Film Production.

William Urgan, Jr., sold his yarn, 'Prison Utopia,' to Columbia.

Metro bought 'A Lady Comes to Earth,' by James E. Grant.

Metro purchased 'Ten Penny Gross,' by Rowland Brown.

James Kane sold his novel, 'Modern Cinderella,' to Universal.

THUNDERING DRAMA!

'A FINE HOURS ENTERTAINMENT'

Jimmie Fidler

Here is another offering to demonstrate Republic's canny ability to make superlative action pictures at comparatively low cost. Every foot of this gripping and highly entertaining yarn of British army activities on India's frontiers packs a trip-hammer wallop and the film can be depended upon to account for itself nobly on any bill-top, side or in support. Production and direction would do credit to most of the more pretentious and expensive efforts that have chosen the same theme. The cast is sincere and its members make the most of their respective opportunities.

Boxoffice

COLORFUL FILM WITH ACTION SUSPENSE AND ROMANCE WILL BE STRONG B.O. DRAW.

One of the most ambitious efforts of Republic, this picture should be a strong box office attraction as it offers all ingredients demanded by audiences. The cast is fine, headed by the handsome and extremely able Patric Knowles. The film is complete with colorful pageantry... and is crammed with action topped off with a neat romance. Production value is good and the direction is smash.

Film Daily

Here is a fast action-drama, one of Republic's most ambitious productions, with proper exploitation should fare well at the box office. Patric Knowles, a British aviator, is stationed in India where he manages to discover the location of a hidden radio station used as a medium to incite the natives to warfare. Troops on the march to capture, destroy the station are saved from ambush, destruction by Richard Cromwell, who sacrifices his life in a plane crash to warn the soldiers. The film is crammed with other thrilling action scenes, especially when Knowles escapes from the natives, blows up munitions stores, the outlaw radio station. Knowles is outstanding in this offering, his good work should set him in line for bigger, better parts. Action scenes are exceptionally well done.

Jay Emanuel Publications

STORM

OVER BENGAL

Republic reached a little in "Storm Over Bengal." The large scope of the subject is not common with this studio's product. But if this film is a "feeler" to test the studio's ability in producing Class A product, then it has achieved its goal. Its fast action, beautiful camera work and excellent musical investment give the picture license to play houses which ordinarily do not book Republic's product. It's good for a spot on any bill.

Hollywood Reporter

PATRIC KNOWLES • RICHARD CROMWELL • ROCHELLE HUDSON

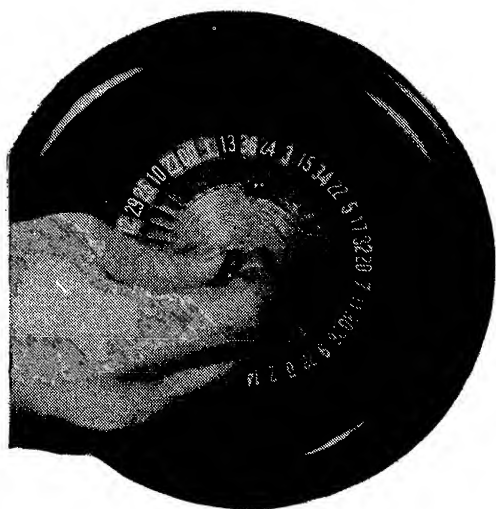
DOUGLAS DUMBRILLE • COLIN TAPLEY
GILBERT EMERY • HALLIWELL HOBBS

Directed by Sidney Salkow Original screen play by Garrett Fort
Associate producer Armand Schaefer



JAMES H. GRAMMER
SALES DRIVE
Nov. 7th-Dec. 17th

A Republic PICTURE



TRUE TALK ON HOLIDAY BOOKINGS!

(By Leo, of The
Friendly Company)



"Don't do it!

"I mean don't take chances when it comes to booking attractions for Holiday time.

"For instance—I guaranteed great business for Thanksgiving with 'OUT WEST WITH THE HARDYS.'

"IT DID THE BIGGEST BUSINESS IN 6 YEARS ON THE LOEW CIRCUIT (*in snow-storms!*)

"'OUT WEST WITH THE HARDYS' A CLEAN-UP EVERYWHERE! WAY AHEAD OF 'BOYS TOWN'! TWICE THE BUSINESS OF 'LOVE FINDS ANDY HARDY.' IMAGINE!

"Now I give you another tip:

Ask smart showmen everywhere, in large towns, in small towns what they're booking for the fat and luscious New Year's trade—

"ask them what picture they're banking on for the most valuable playing time on their calendar:

"it's JEANETTE MacDONALD, NELSON EDDY in 'SWEET-HEARTS' (*Technicolor*) now being booked solid throughout America for the holidays.

"I guaranteed 'OUT WEST WITH THE HARDYS' for Thanksgiving and it's terrific!

"I now guarantee 'SWEETHEARTS' for the New Year's! It's the biggest and best holiday show in years!



← DON'T DO
THIS WITH
HOLIDAY
BOOKINGS!

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of reviews as given in VARIETY and the running time of prints are included.)
(R) REISSUES
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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	TIME MINS.	WHEN REVIEWED BY VARIETY
9/23/38	STRANGER FROM ARIZONA WANTED BY POLICE CAMPUS CONFESSIONS FUGITIVES FOR NIGHT FAIRIE MOON TIME OUT FOR ORDER ROAD TO RENO FOUR DAUGHTERS	Monroe Shaft Lindsay Parsons Lou Lusty Harry Grey Sol Wurtzel Ed Granger Ben Glazer	Col Mono RKO Rep 20th U WB	Western Meller Football Comedy Western Meller Com-Dr Com-Dr	B. Jones-D. Fay Darro-E. Knapp B. Grable-h. Lu'setti F. Albertson-E. Lynn G. Autry-S. Burnette G. Stuart-M. W. Allen R. Scott-H. Hampton P. Russell-Rosemer-Loane	Elmer Clifton Frank Capra G. Archambaud Leslie Goodwins Ralph Staub H.B. Lum-R. Stone S. Sylvan Simon Michael Curtiz	55 122 63 63 73 68 90	9/21 9/28 9/14 9/28 10/19 9/7 10/5 8/17
9/30/38	YOU CAN'T TAKE IT WITH YOU MAN WITH 100 FACES VACATION FROM LOVE SONS OF THE LEGION ROOM SERVICE OVERLAND STAGE RAIDERS DOWN IN ARKANSAS STRAIGHT, FLAME AND SHOW DRUMS YOUTH TAKES FLING GARDEN OF THE MOON	Samuel Marx Frank Capra A. Hitchcock MGM P. S. Berman Armand Schaefer Ed Hempstead Alex. Korda Joe Pasternak Lou Edelman	Col Col GB MGM RKO Rep 20th U WB	Rom-Com Comedy Drama Comedy Rom-Dr Com Western Drama Drama Com-Dr Musical	A. Shirley-N. Grey-Bellamy J. Arthur-L. Barrymore-J. Stewart L. Palmer-T. Walls D. O'Keefe-F. Rice D. O'Connor-B. Lee-B. Cook Mary Ellis-L. Ball Three Mesquiteres R. Byrd-Weaver Bros. Ritz Bros.-R. Arlen Sabu-B. Massey-E. Livsey J. McCrea P. O'Brien-J. Payne-M. Lindsay	John Brahm Frank Capra A. Hitchcock G. Fitzmaurice Jas. Hogan Wm. Seiter Geo. Sherman Nick Grinde David Butler Zoltan Korda Archie Mayo Busby Berkeley	71 99 72 65 68 76 66 101 75 94	9/28 9/28 11/2 10/5 10/5 9/14 9/28 10/12 9/28 4/20 9/28 9/21
10/7/38	CRIME TAKES HOLIDAY WEST OF THE SANTA FE STABLES TO GO MR. WONG, DETECTIVE TOUCHDOWN, ARMY MR. DOODLE KICKS OFF THE NIGHT HAWK MEET THE GIRLS THAT CERTAIN AGE BROADWAY MUSKETEERS	Col Col Harry Rapt W. T. Lackey Par Bob Sisk Herman Schlom Howard J. Green Joe Pasternak Bryan Foy	Col Col MGM Mono Par RKO Rep 20th U WB	Meller Western Com-Dr Mystery Football Com Drama Comedy Musical Comedy	J. Holt-M. Ralston C. Starrett-E. Meredith W. Beery-M. Rooney B. Karloff-E. Brent J. Howard-L. Cummings J. Penner-J. Travis R. Livingston-J. Travis J. Lang-L. Earl-L. Allen D. Durkin-L. Cooper M. Lindsay-M. Wilson-J. Little	Lewis D. Collins Sam Nelson Sam Wood Wm. Nigh Kurt Neumann Leslie Goodwins Sidney Salkow Eugene Forde Edw. Ludwig John Farrow	41 79 89 60 75 63 100 100 63	11/30 9/28 10/23 9/21 10/5 10/5 8/31 11/16 10/19
10/14/38	FLIGHT TO FAME LADY VANISHES SHADOWS OVER SHANGHAI YOUNG DR. MILDARE WHERE THE BUFFALO ROAM ARKANSAS TRAVELER A MAN TO REMEMBER FIVE OF A KIND THERE GOES MY HEART SWING TIME THE SISTERS	Ralph Cohn A. Hitchcock Fine Arts Lou Ostrow Ed. Money Geo. Arthur Bob Sisk K. MacGowan Hal Roach Max Glazer David Lewis	Col GB GN MGM MGM Par RKO 20th UA WB	Drama Rom-Dr Meller Com-Dr Drama Com-Dr Drama Rom-Com Rom-Com Comedy Drama	C. Farrell-J. Wells M. Lockwood-P. Lucas J. Dunn-R. Morgan L. Ayres-L. Barrymore L. Bille B. Burns-F. Balter E. Ellis-A. Shirley Dionne Quins-Hersholt F. March-V. Bruce T. Brown-L. Devine E. Flynn-B. Davis-A. Louise	C.C. Coleman, Jr. Alf Hitchcock Chas. Lamont H. Bucquet Al Herman Al Santell Garson Kanin H. I. Leeds Norman MacLeod Harold Schuster Anatole Litvak	96 63 60 83 112 78 73 81 81 95	8/31 10/19 9/21 10/5 10/5 10/12 9/28 11/16 10/19
10/21/38	LISTEN, DARLING MYSTERIOUS RIDER MAD MISS MANTON MYSTERIOUS MR. MOTO SERVICE GIRL GIRLS ON PROBATION	Jack Cummings Harry Sherman P. J. Wolfson Sol Wurtzel Ed Granger Bryan Foy	MGM Par RKO 20th MGM WB	Rom-Dr Western Mys-Com Meller Com Drama	Bartholomew-J. Garland D. Dumbrell-C. Fields B. Stanwyck-H. Fonda F. Lewis-M. Maguire C. Bennett-V. Price E. Flynn-B. Davis-A. Louise	Edw. Marin Les Selander Leigh Jason Norman Foster Rowland V. Lee Anatole Litvak	72 74 78 65 65 65	10/19 11/16 10/12 10/19 11/16 10/19
10/28/38	LAW OF THE TEXAN THE LITTLE ADVENTURES THE GREAT WALTZ THE CITIZEN MEN WITH WINGS I STAND ACCUSED TARNISHED ANGEL SUEZ YOUNG O. SCHMIDT THE STORM THE LAST EXPRESS BROTHER RAT	Monroe Shaft Col Bernard Hyman Victor Saville Wm. A. Wellman John H. Auer B. P. Fineman Gene Markey D. O. Schmidt Ken Goldsmith Irving Starr Robert Lord	Col Col MGM MGM MGM Par RKO 20th UA U WB	Western Action-Dr Musical Drama Drama Drama Spec Drama Drama Meller Comedy	Buck Jones-D. Fay E. Fellows-J. Wells L. Balner-F. Gravet Kilg F. MacMurray-B. Milland R. Cummings-H. Mack-L. Talbot S. Eilers-L. Bowman T. Power-L. Young J. Gagner-F. Fairbank C. Blockford-B. McClane K. Taylor-D. Kent W. Morris-P. Lane-J. Wyman	Elmer Clifton D. R. Lederman J. Duvivier Donat Vidor Wm. A. Wellman John H. Auer Leslie Goodwins Allan Dwan Richard Dix Harold Young Otis Garrett Wm. Kelgley	54 60 107 112 102 61 100 100 75 80 90	10/26 11/9 11/2 10/26 11/2 11/16 10/19 11/16 11/2 10/19 10/19
11/4/38	IN EARLY ARIZONA GANGSTER'S BOY GUN FACKER THE LAST RIDE ILLEGAL TRAFFIC LAWLESS VALLEY RHYTHM OF THE SADDLE ALWAYS IN TROUBLE EXPOSED HARD TO GET	Col W. T. Lackey Robert Tansley Jeff Lazarus Harold Hurley Bert Gilroy Harry Grey John Stone Bert Kelly Sam Bischoff	Col Mono Mono Par Par RKO 20th U WB	Western Com Western Rom-Dr Meller Western Comedy Drama Comedy	B. Elliott-D. Gulliver J. Cooper-L. Gilman J. Randolph-L. Stanley A. Tamiroff-F. Farmer J. C. Nash-M. Carlisle G. O'Brien-K. Sutton G. Autry-S. Burnette J. Withers-A. Treacher-J. Rogers O. Kruger-G. Farrell D. Powell-O. de Havilland	Wm. Nigh Jos. Fox Alfred E. Green Louis King David Howard Geo. Sherman Jos. Santley Max Golden Ray Enright	75 51 67 58 69 63 78	11/9 11/9 11/9 11/9 11/9 11/23 11/9
11/11/38	ADVENTURE IN SAHARA THE FROG SPRING MADNESS IF I WERE KING ANNABEL TAKES A TOUR STORM OVER BENGAL JUST AROUND THE CORNER HIS EXCITING NIGHT TORCHY GETS HER MAN	Lou Appleton Herbert Wilcox Edw. Clodrov Frank Lloyd Lou Lusty Armand Schaefer Dave Hempstead Ken Goldsmith Bryan Foy	Col GB MGM Par RKO Rep 20th U WB	Drama Meller Rom-Com Drama Rom-Dr Comedy Rom-Com Comedy	F. Kelly-L. Gray N. Beery-G. Barker M. O'Sullivan-L. Ayres R. Coleman-F. Dee-Rathbone J. Oakie-L. Ball F. Knevel-E. Hudson S. Temple-C. Farrer C. Bagges-O. Mason G. Farrell-B. MacLane	D. R. Lederman Jack Raymond C. S. Simon Frank Lloyd Lew Landers Sid Salkow Irving Cummings Gus Meins Michael Curtiz	75 64 109 64 70 70 62	4/7/37 11/10 9/21 10/19 11/2 11/2 10/12
11/18/38	THERE'S THAT WOMAN AGAIN THE SHINING HOUR GANG BULLETS THANKS FOR THE MEMORY LAW WEST OF TOMBSTONE SANTA FE STAMPEDE SHARPSHOOTERS COWBOY AND THE LADY STRANGE FACE ANGELS WITH DIRTY FACES	Col J. Manckiewicz E. B. Derr Par Cliff Reid Wm. Berke Sol Wurtzel Sam Goldwyn Bert Kelly Sam Bischoff	Col MGM Mono Par RKO Rep 20th UA WB	Drama Meller Rom-Com Rom-Com Western Western Action Rom-Com Com-Dr Drama	M. Douglas-V. Lee J. Crawford-B. Young A. Nagel-R. Kent B. Hays-E. Roscoe H. Carey-T. Holt-E. Brent J. Wayne-E. Corrigan B. Denlevy-L. Bari G. Cooper-M. Oberon D. Kent J. Cagney-P. O'Brien	Alex. Hall Frank Borzage Lambert Hillyer G. Archambaud Glenn Tryon Geo. Sherman Jas. Tinsling Wm. Wyler Earl Cagney Michael Curtiz	75 75 72 71 72 91 97	11/9 11/16 11/9 11/23 11/23 11/9 10/26
11/25/38	BLONDIE OUT WEST WITH HARDYS LITTLE TENDERFOOT SAY IT IN FRENCH ARREST BULLDOG COME ON, RANGERS ORPHANS OF THE STREET PECK'S BAD BOY WITH CIRCUS SUBMARINE PATROL LITTLE TOUGH GUYS IN SOCIETY NANCY DREW, DETECTIVE	Robert Sparks Lou Ostrow Ed Finney Andrew Stone Stuart Walker Chas. E. Ford Herman Schlom Sol Lesser Gene Markey Max Golden Bryan Foy	Col MGM Mono Par Par Par Rep RKO 20th MGM WB	Comedy Com-Rom Western Comedy Comedy Western Meller Rom-Com Drama Meller Drama	F. Singleton-A. Lake M. Rooney-L. Stone-C. Parker T. Ritter-J. Falkenberg E. Milland-O. Braden J. Howard-L. Allen B. Rogers-M. Hart T. Ryan-R. Livingston T. Kelly-A. Gillis B. Greene-N. Kelly-Bancroft M. Roland-E. Horton B. Granville-J. Little	Frank Strayer G. B. Seitz Al Herman Andrew Stone Earl Cagney Joe Kane John H. Auer Edw. F. Cline John Ford Erle Kenton Wm. Clements	69 84 70 69 56 48 52 70	11/2 11/23 11/23 11/23 11/23 11/23 11/23 11/23
12/2/38	FLIRTING WITH FATE LITTLE ORPHAN ANNIE WESTERN JAMBOREE NEXT TIME I MARRY ROAD DEMON SECRETS OF A NURSE DEVIL'S ISLAND	David Loew John Speaks Harry Grey Cliff Reid Sol Wurtzel Bert Kelly Bryan Foy	MGM Rep RKO 20th WB	Comedy Comedy Western Comedy Sports Drama Meller	J. E. Brown-L. Carillo-S. Dunn A. Gillo-B. Kent-J. Travis G. Autry-S. Burnette L. Ball-J. Ellison-L. Bowman H. Arthur-J. Valerie E. Lewis-B. Mack B. Karloff-N. Harrigan	F. MacDonald Ben Holmes Ralph Staub Garson Kanin Otto Brower Arthur Lubin Wm. Clements	70 37 68	11/30 11/16
12/9/38	RIO GRANDE ROUNDUP DRAMATIC SCHOOL I AM A CRIMINAL RIDE A CROOKED MILE UP THE RIVER LAST WARNING HEART OF THE NORTH	Irving Briskin Mervyn LeRoy E. B. Derr Jeff Lazarus Sol Wurtzel Irving Starr Bryan Foy	Col M-G Mono Par 20th U WB	Western Rom-Dr Meller Rom-Dr Meller Mystery Meller	C. Starrett-A. Doran L. Bainer-A. Marshall J. Carroll-M. Kornman A. Tamiroff-F. Farmer T. Martin-F. Brooks F. Foster-F. Robinson D. Foyan-G. Page	Sam Nelson R. Sinclair Wm. Nigh Alfred E. Green Alfred Werker Al Rogell Lewis Seiler	75 75 72 91 91 91	11/9
12/16/38	STRANGE CASE OF DR. MEAD CALIFORNIA FRONTIER A CHRISTMAS CAROL THE FRONTIERMEN THE FURE IN MIND DOWN ON THE FARM PIRATES OF THE SKY COMET OVER BROADWAY	Col Monroe Shaft Joe Manckiewicz Harry Sherman P. J. Wolfson Sol Wurtzel B. Sarecky Bryan Foy	Col Col M-G Par RKO 20th RKO WB	Drama Western Rom-Fan Western Drama Comedy Action Drama	J. Holt-B. Roberts-N. Beery B. Jones-C. Bailey E. Owen-T. Kiburn W. Boyd-G. Hayes-E. Venable A. Shirley-E. Daniel J. Froust-S. Byington K. Taylor-E. Hudson K. Francis-J. Little	Lewis D. Collins Elmer Clifton E. L. Martin Les Selander P. J. Wolfson Mal St. Clair Joe McDonough Busby Berkeley	70 70 69 56 48 52 70	11/23 11/23 11/23 11/23 11/23 11/23 11/23
12/23/38	THERE'S THAT WOMAN AGAIN AWAKENING OF KATEBINA TOUGH KID ONE-THIRD OF NATION TOM SAWYER, DETECTIVE GUNGA DIN THANKS FOR EVERYTHING TRADE WINDS NEWSBOY'S HOME THE DAWN PATROL	B. B. Kahane Harry Rapt Lindsay Parsons Harold Orlob E. T. Lowe George Stevens H. J. Brown Walter Wanger Ken Goldsmith Robert Lord	Col M-G Mono Par Par RKO 20th UA U WB	Rom-Dr Drama Meller Drama Rom-Dr Rom-Dr Musical Rom-Dr Drama Drama	M. Douglas-V. Bruce F. Gail-Tene-V. Connally H. Berton S. Sidaey-L. Erikson D. O'Connor-B. Cook C. Grant-V. McLaglen-J. Fontaine A. Menjou-J. Oakie F. March-J. Oakie J. Cooper-W. Barrie E. Flynn-B. Rathbone	Al Hall Norman Taurog H. Berton Dudley Murphy Louis King Geo. Stevens Wm. A. Seiter Tay Garnett Harold Young Edm'd Goulding	70 37 68	11/30 11/16

TRAMMEL WILL BE SUPER-SALES CHIEF AND GENERAL TROUBLE SHOOTER AT NBC

George Engles Expected to Resign—Gilman May Be Shifted—Network Rewards A. H. Morton With Vice Presidency

Niles Trammel, who comes out of his Chicago post Jan. 1 to become executive vice-president of NBC will, it has been intimated, function along the lines of a super sales manager in police capacity over Roy Wimer. Instead of having his sales periphery confined to the midwest, Trammel will be in a position to call on clients all over the country and also put in the necessary hand-shaking appearances at important advertiser and agency conventions. Latter touch has been addition at NBC since Edgar Kobak quit about two years ago.

An auxiliary importance of Trammel is in station relations. Station men like and respect him.

Trammel has rated as NBC's No. 1 salesman and by a wide margin since M. H. Aylesworth's retirement from the network in 1936. Aylesworth used to spend a goodly part of his time getting out to major advertisers and doing a personal selling job that accounted, for instance, of the entry into radio of various firms controlled by the Mellon interests in Pittsburgh.

An executive v. p. was brought in to serve as administrator or major executive to take care of the details that went without service, while Aylesworth devoted himself to client contacting. After an interval of over four years things are in reverse at NBC. While David Sarnoff actually determines policies of major import, the president of the company is invested with complete administrative authority and the executive v. p. becomes the sales dynamo.

Trammel Reluctant

Trammel opened the branch for NBC in Chicago in 1928. He was reluctant for a long time about coming into New York. In addition to clipping Trammel, the NBC board last Friday (25) rewarded another, Alfred H. Morton, manager of NBC operated stations department, with a v. p. tag.

It is reported that some more shuffling of higher-ups will take place when the NBC board meets for its final 1938 meeting, Dec. 23. Intimations have been given that George Engles might by that time decide to retire as v. p. in charge of the NBC Artists and resume concert management on his own. Engles hasn't been in good health for the past several months.

Don Gilman, NBC vice-president in Los Angeles, is currently in New York. He, too, is mentioned as due for a new post within the organization. Might succeed Trammel in

Chicago with Sidney Strotz, ostensible crown prince of Trammel, going to Los Angeles.

Gilman, who has strong family and personal ties with California, is distressed, according to report, by the suggestion that he'd get to like Chicago. Understood he's trying to talk NBC out of it.

Showman Succeeds

Chicago, Nov. 29. Trammel will be replaced here by Sidney Strotz who has been head of the program department for the past five years. Strotz, before joining NBC, had operated the Stadium here, and has many associations in show business. In the few years he has been here, he has made the local NBC program outfit one of the top-line program offices in the country, not only for radio shows but also units for stage purposes. He has brought in many established vaude names to the mike and has started off many of the key five-a-week strip script shows.

'JUDGE'S ELBOW' BROADCASTS DEBATED

Washington, Nov. 29. Discussion of a set of principles governing court-room broadcasts is set for Thursday (1) when committees of the American Bar Association and National Association of Broadcasters huddle in search for solution of problems created by airing of legal proceedings.

In company with newspaper publishers, five radio industry spokesmen will accept the invitation of Frank J. Hogan, president of the A. B. A. to confer with the bar's committee. Hogan, incidentally, is head of legal firm with substantial amount of radio practice. Broadcasters will be represented by Neville Miller, prez of NAB; Philip Loucks and Louis G. Caldwell, attorneys; Harry Butcher and Frank M. Russell, vice-presidents of CBS and NBC, respectively.

That Urchin With Arrow Wings Several at WLW

Cincinnati, Nov. 29. Arlene Johnson, who is Babs of the Smoothies, has announced her engagement to Delmar Sandberg, an inspector of Croder's industrial division. Wedding is to be in January. The Smoothies are on the Tums program, a WLW origination which feeds to NBC.

Lon Clark, of the WLW-WSAI dramatic staff, was married Thanksgiving Day to Marjorie Burns, non-pro.

Cornelia Osk Skinner guests with Rudy Vallee on the Coast Dec. 15.

Sherwin-Williams Suit Ended

Judge Okays Dropouts of Warwick & Legler on Old Injunction Against Freeman

Motion by Warwick & Legler and NBC for a discontinuance of their injunction and damage action against Charles Henry Freeman, Jr., concert manager, was granted by Judge Samuel Mandelbaum in the N. Y. federal court last Saturday (26). Plea came three years after the agency and network had obtained a temporary injunction staying Freeman from claiming that the idea involved in the Metropolitan Opera Auditions of the Air program was something that he had previously tried to sell around the trade. Court proceedings followed Free-

STRAIGHT NEWS HEAD

Some Old-Fashioned Stories Are To Be Heard Over WOR

An international fairy series will get going on the Mutual web Dec. 3 for 13 weeks emanating from WOR, N. Y. Of half hour duration, 2.30-3 p.m., stories will be representative pixie yarns of a dozen different countries opening with 'Aladdin and the Wonderful Lamp' and closing Feb. 25 with the American 'Rip Van Winkle'.

Dramatized and directed in English by Robert Shayon of WOR, various story parts of the series, which is labeled "Once Upon a Time", will be handled by Federal Theatre Radio Division players.

Trade Commish Reports On Continuity Scrutiny; Praises Radio Co-op

Washington, Nov. 29. Possible ban on sales of radio advertising continuities suggested today in revelation that 1,544 prospective cases not previously set aside for investigation were held over by the Federal Trade Commission, June 30 for future determination. In its annual report for the fiscal year 1938, the commission disclosed that increasingly stringent check was being kept on commercial continuities, with its special investigating board, through an examining staff, ogling 490,612 broadcast blurbs during the year. Bases of the 1,544 prospective cases was formed by 22,959 scripts considered questionable by FTC authorities.

Describing itself as having been on the alert for misleading representations in radio advertising since 1934, Commission listed drug and remedy advertisers as responsible for more than 30% of ads marked for investigation from that year until June, 1938. Compilation was based on an analysis of 105,962 questionable commercial radio continuities and 55,963 suspected ads published in newspaper and magazines—inferring that radio produced largest ratio of come-on advertising.

Pat on the back was given the radio and transcription industries, however, for their co-operation in eliminating false and deceptive advertising. Nation-wide and regional networks and platter-makers have joined 617 commercial transmitters, 252 newspaper publishers and 408 magazine publishers in an "interested desire" to stamp out phoney advertising, report observed. Commission also noted that many stations communicate with officials for advice and information concerning certain advertisers and their products.

CBS' Czech Booklet

In the mails today (Wednesday) is the newest foreign coverage brochure by CBS. Czech crisis is the theme of 180 pages and photographs.

CBS stirred attention, and NBC, in April with its brochure on Anschluss.

Radio Editor Vs. Press Agent

G. W. (Johnny) Johnstone, publicity and special events director of WOR, Newark, and Jo Ranson, radio editor of the Brooklyn Eagle, are slated to do a pro and con routine before Dr. Seymour Siegel's course on 'Radio Broadcasting' at the main building of the College of the City of New York Dec. 14. Johnstone, as builder-upper of the theme, will tell how his clan functions in appraising listeners about forthcoming programs, while Ranson will seek to show that most of material sent out by radio p.a.s is futile and vapid.

Ranson will bring along a trunkload of samples to bear out his arguments.

NBC Pooh-Poohs 'Interpretation' Of New Red-Blue Audit Divorce As Prelude To Rival Sales Staffs

FORM AUSTIN & SPECTOR

New Advertising Agency Started—Email Mogul On Radio

Raymond Spector, former partner in Franklin Bruck Agency and Alvin Austin, have combined offices and will be known as Austin & Spector Co. after Dec. 1. They've opened offices already.

Email Mogul has been set as executive secretary of outfit and will handle radio end. Other department heads are Alfred P. Berger, client service; Horace Schwerin, research and media; Frank Roemer, art director; Helen Grant copy chief and Richard Scott, production. Office is starting off with about 20 accounts, some taken from Bruck office.

QUIZ SHOWS' FREE DUCATS UNUSED

Philadelphia, Nov. 29.

Two network quiz shows, presented here during the past few days with much ballyhoo and provisions for 20,000 spectators, turned out to floppollos from an audience-attendance standpoint. First was 'Professor Quiz' on Saturday night and the second, Dr. Harry Hagen's 'True Or False' last night (Monday). They were held in Philly's gigantic Convention Hall in conjunction with the first annual DCAU show.

'Quiz,' through WCAU and other sources, gave out 25,000 tickets. Fewer than 1,100 spectators who were on hand were practically lost in the hall. 'True Or False,' with five newspaper ads, signs in drug stores and announcements on the air, distributed 32,000 free ducats. It drew 4,700 spectators. Aside from the ordinary inconvenience of getting to the hall, 'Quiz' had to contend with a blizzard and Dr. Hagen with temperatures well below freezing.

YALE DRAMA SCHOOL TO START ON MUTUAL

Radio script writing division of the Yale Drama School is readying a series of radio programs, consisting of students' original plays. Will be picked up by Mutual network through WICC, New Haven, Conn. Series starts Dec. 5 and runs every Monday night from 9 to 9.30 p. m. Drama students and station thespians will perform.

Class is headed by Walter P. Eaton. Plays to be presented on the 'Listener's Theatre' will include titles 'Eternity Express,' 'Nobody's Captain,' 'Deep River,' 'Time of Departure,' 'Destiny of Dictators.' All are originals and no adaptations.

Wheatena Changes Show

Wheatena is replacing Ford Rush's 'Dad and Junior' program on Mutual with a show headed by Dorothy Gowan starting Dec. 16. Rohrabugh & Gibson is the agency.

NBC's latest move to point up the blue (WJZ) link as a separate entity is to return to the old system of distinguishing the red (WEAF) network from the blue in the monthly sales total. Dual link breakdown will be retroactive. It starts with the October gross so as to make the figures complete for the final quarter of 1938.

The 'deducts' method will not be as simple as it used to be. Under the new breakdown system there's going to be quite a number of its, whens, variables, and modifications, with the various supplementary groups serving as arithmetical pawns.

NBC statisticians will start from the premise that a group comes under any one of three classes. It's either exclusively blue, exclusively red or can be rated as both blue and red. If an account uses the Blue Pacific, the Blue Mountain, the Blue Southern or the Blue Southwest group the billings go into the blue column without reservation, regardless of whether the business originates over the blue or red basic network. If the Red Pacific or any other supplementary group designated as strictly red is used by a basic blue account the credit goes to the red column. How the billings for supps rated as both red and blue are to be treated will depend on the basic network used.

Impression in the trade is that the foregoing move presages the eventual setting up of separate sales staffs for the red and blue and a trend toward putting the two links on a more conspicuously competitive basis. This is pooh-poohed by NBC higher-ups, as baseless speculation.

New breakdown for October (1938) gives the red link \$2,872,588 and the blue \$901,376. The percentages figure 71% for the red and 29% for the blue. The previous October which permitted a similar comparison was in 1935. At that time the red's share was 63% and the blue 37%.

Cormier Not Joining WFIL; Jack Stewart's Status, Little Foggy

Philadelphia, Nov. 29. Reports that Al Cormier, who is skedded to leave the general management of WFIL, New York, at the end of this week, would assume a similar post at WFIL were denied yesterday by Sam Rosenbaum, WFIL prez. Cormier was formerly g.m. of WIP here. Don Withycomb, WFIL g.m., resigned several months ago and his place has been taken by Roger Clipp, former biz manager. It is also understood that Jack Stewart, WFIL salesman, is about to resign. He was very friendly with Withycomb. Rosenbaum referred all queries concerning Stewart to him. Stewart said he knew nothing about a resignation.

SHOW FROM IVORYDALE

Cincinnati, Nov. 29. Procter & Gamble Co., a top time buyer of radio, will enjoy a sustaining break Dec. 9 on WLW and the Mutual net. Gratis stanza is the Wheels Go Round series of the National School of the Air program. Joe Ries, educational director of the Crosley stations, will originate a forenoon 15-minute stint in the P. & G. home plant at Ivorydale, Cincy suburb.

VARIETY
Services to the
Radio Trade
All Without Charge



Protected Material Dept.
(For Writers)



Local Program Registry
(For Sponsors, Stations)



Mail Department

New York—154 W. 46th Street
Chicago—54 W. Randolph
Hollywood—1708 N. Vine

PHONOGRAPHIC NETWORK

'Going Laboratory of Radio' Reason Enough to Renew WLW's 500 KW., D. M. Patrick Argues in His Appeal

Washington, Nov. 29. Butwarmed with 125 separate exceptions and allegations of error, request for oral argument on the adverse report regarding the request for continued authority to operate with 500 kw was handed the FCC last week by attorneys for WLW, Cincinnati. Groundwork laid for a fight which may wind up before the U. S. Supreme Court.

While dozens of points were touched in the 58-page legal document, Duke M. Patrick, head of the Crosley legal battery, centered his attack on the three-man committee's failure to consider important technical evidence, admission of improper testimony from rival operators, and neglect of data demonstrating the super-power operation has not had an adverse effect on other units of the industry. The committee—Commissioners Norman S. Case, T. A. M. Craven and George Henry Payne—was criticized for concluding that the alleged adverse effect of 500 kw operation outweighs actual and prospective benefits to the listening public.

Three It's Cited One serious complaint in the document was that the trial board drew unjustified inferences and engaged in speculation, besides listening to irrelevant, incompetent and otherwise inadmissible testimony. Too (Continued on page 53)

KNX Hits Back, Drops Studio Band in Dec.

Hollywood, Nov. 29. KNX will be without a house band during December, in reprisal to the musicians' union for hiking the wage scale per man 37½%, now in force. Net transmitter will use casuals for duration of the peevish period and may follow a similar course for the three months of next summer's slump unless the present scale and restrictions are tempered.

Chain execs claim that the musicians' local slipped over a fasty on them by assertedly going back on an oral promise that no stiff wage increases would be ordered, made last January when a two-year contract was signed. Under current scale musicians on commercials draw \$130 weekly against the former wage of \$95. Temporary disbandment of studio orchestra of 20 men was ordered when figures revealed that station had passed its yearly quota in disbursement to toadies.

Station declares that new scale is acting as a boomerang, that it will penalize musicians to tune of around \$4,800 during December, money that would have accrued to them had the contractual scale been maintained. It is also pointed out that innocent sufferers of the wage hike are members of American Federation of Radio Artists, due to the temporary suspension of several sustainers requiring music.

Wayne King Deal On

M. J. Rockford, manager for Wayne King, came east Monday (28) for agency huddles regarding a radio commercial for the band. Also hopes to line up a spot at the New York World's Fair next spring.

Nothing was set up to late yesterday (Tuesday). Rockford is due to go back to the Coast the end of this week. King is currently at the Mark Hopkins hotel, San Francisco, and is due to open at the Drake hotel, Chicago, Dec. 31. He'll play a few one-nighters on the way east.

UNEXPECTED OK FROM JOE WEBER

Competes with Coin-Operated Machines, Prime Revenue Source of Disc Companies, and Also with Radio Advertising

MOTIVES OBSCURE

Consternation spread among the phonograph record companies last week when they learned that Joseph N. Weber, head of the American Federation of Musicians, had agreed to let the National Phonographic Network, Inc., employ AFM. This consent was a complete reversal of the stand that he took toward the NPN's project several months ago when he declared that he was utterly opposed to any enterprise which tended to expand or further inbreach the coin-operated disc machine. The NPN's proposed product will contain advertising matter.

Phonograph record manufacturers explained that the news that Weber had okayed an agreement with the NPN was the toughest blow that they have had to take from the union since it began its campaign to increase membership employment. Sale of records to the operators of coin-machines had become an appreciable item with these manufacturers. In the case of the NPN they will have to compete with the prop-

(Continued on page 38)

ASCAP-Baiting Attorney Davis Promotes Music Publishing Firm To Live By Sheet Sales Alone

Crosley's Scouts

Cincinnati, Nov. 29. Crosley appliance distributors in 105 cities throughout the nation have been invited to recommend talent for places on the WLW-WSAI staff. Enlarged scouting system for the two stations was put into effect last week by James D. Shouse, general manager.

Kenneth C. Davis, Seattle and Los Angeles attorney who battled the American Society of Composers, Authors and Publishers on behalf of broadcasters in the state of Washington, is battling ASCAP again with the Davis & Schwiegler Music Publishing Co., Inc., a Coast outfit. New venture is a tax-free music proposition to enlist 100% radio co-operation, idea being that the new music pubs will rely wholly on sheet music sales for revenue.

Carl Haverlin, former sales manager for the Earle C. Anthony stations in Los Angeles, KFI and KECA, now en route back to the Coast after a biz trip east, is financially interested and 'biz manager. Haverlin came east to survey opening branches in New York and Chicago.

New company in its first month is publishing 53 numbers and hopes to have 200 copyrights by Jan. 1. All are by non-ASCAP songwriters, theory being that there are enough good songsmith in America who don't belong to the Society. (By contract, ASCAP writers couldn't place with Davis & Schwiegler, otherwise their stuff becomes subject to licensing).

Station KFI devotes a half hour to exclusively plug the new company's tunes and Haverlin hopes to achieve similar radio co-operation.

WCKY DUE FOR 50,000 WATTS

Cincinnati, Nov. 29. L. B. Wilson has been informed his WCKY will get its request for 50,000 watts. Pending before FCC some time.

WCKY inaugurates a series of community opportunity programs week. Plan of L. B. Wilson, station's head man, is to originate programs in theatres of 100 cities and towns in WCKY's primary area.

Initial blast slated for Laurenceburg, Ind., under auspices of the American Legion.

HUNT BURLESK FOR AIR COMIC POSSIBILITIES

Mutual network and station WOR are interested in creating new air comics (although previous hunts not successful) and are fendering the boys in burlesque. Three have been singled out for overtures with only one responding so far.

Phil Silvers, comedian formerly at the Gaiety theatre, N. Y., was to report to station with Rags Ragland, but he left for unit show with Gypsy Rose Lee late this week. Silvers made a recording at the station with juve Russell Trent straightening for him. Station had once before sent engineers to theatre to test Ragland and Silvers on mikes.

Joey Faye, now appearing in legit musical 'Sing Out the News', but a regular burlesque funny man, has also been invited to test, but has not yet responded. Ragland has worked Vallee program.

ORSON WELLES' PREMIERE

Shortwave Bit From London Part Of Campbell Program

First program of Orson Welles' Mercury Theatre of the Air, under Campbell Soup, Dec. 9 will be radio version of Daphne du Maurier's book 'Rebecca'. Welles will have Margaret Sullivan on from the Coast to play the young wife, Daphne du Maurier will be a guest player on the program, broadcasting opening scenes in the drama by shortwave from London.

Welles is adapting the book to radio. Deal was set by Curtis Brown agency for the author, who obtained permission from David O. Selznick to negotiate the radio version.

NEW TICKET FOR COOPER

Jerry Cooper set for another 13 stanzas on the Tums 'Vocal Varieties' program last week. Show rides an NBC-Red hookup from WLW, Cincinnati, Tuesday evenings. H. W. Kastor is the agency.

"I'm sorry



but Mr. Jones is very busy and is leaving on a business trip—however I know he reads Variety—I'm sure you can reach him that way."

Use Variety's Advertising columns every week to deliver your message . . . and especially the Third of a Century Anniversary Issue to be published in December. . . .

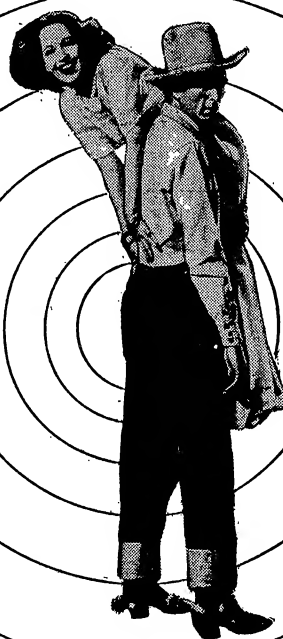
Reservations now—

VARIETY

NEW YORK • CHICAGO • HOLLYWOOD • LONDON

SAMUEL GOLDWYN presents

GOLDWYN BUSINESS



SAMUEL GOLDWYN presents **GARY COOPER**
and **MERLE OBERON** in **"THE COWBOY AND THE LADY"** with

RADIO CITY MUSIC HALL

...did \$20,000. opening day. Almost hit house record, in spite of five hour storm. Capacity audiences Thursday, Friday, Saturday and Sunday. More than 100,000 paid admissions over week-end caused continuous S. R. O. for four days in a row.

OKLAHOMA CITY

CRITERION THEATRE

...greatest opening day for both cash and attendance ever chalked up for any United Artists release. Picture hit the absolute all-time high.

BUFFALO

GREAT LAKES THEATRE

...two feet of snow and STILL a SMASH opening. Reviews excellent. Crowds howled enjoyment.

ALBANY, N. Y.

STRAND THEATRE

...the season's high. Audience went wild over it, according to Moe Silvers of Warners.

PORTLAND, OREGON

BROADWAY THEATRE

...biggest business since "The Hurricane"...and how they loved it.

LOS ANGELES

WARNER BROS.
HOLLYWOOD & DOWNTOWN

...second week BIG BUSINESS after first week of capacity and more. Tops the terrific mark reached by "Dead End".

SAN FRANCISCO

UNITED ARTISTS THEATRE

...two house records...biggest opening day and biggest week of the year. Now in third week of indefinite hold-over.

TROY, N. Y.

TROY THEATRE

...beat blizzard with best business in months. Only picture in town standing up against snowstorm.

PHILADELPHIA

ALDINE THEATRE

... waiting lines over entire week-end. Unusual patronage from suburbs even during heavy snowstorm. Held over second week as it registers "Stella Dallas" figures.

SALT LAKE CITY

CENTRE THEATRE

... business almost double normal... and a MUST on every early Christmas shopping list.

SY KELLY • WALTER BRENNAN • FUZZY KNIGHT • MABEL TODD • HENRY KOLKER
directed by H. C. POTTER • RELEASED THRU UNITED ARTISTS

Radio Men, Curious to Know About Rutherford Sect, Find It's a Well Organized Self-Contained Group

By BEN BODEC

Some interesting information has developed from efforts of station operators, who because they had got into hot water as the result of Judge Rutherford's broadcasts, to find out just what is the scope and ramifications of the organization behind this international religious proselytizer. Inquiries have disclosed that the operations of the Watch Tower Bible & Tract Society not only come under the head of big business but are reminiscent of the social-economic entity which the Fourieites sought to establish at Brook Farm and the Oneida Community during the previous century.

Watch Tower Society owns its own modern steel and concrete printing plant in Brooklyn. Building is of four stories and spread over a quarter of block. To manufacturers the Society is known for the huge quantities of material that it buys. Head of the plant boasts of the fact that everything that goes into the publications of the Society's tracts is made within the plant, except the paper, which it purchases in carload lots. Society also does its own recording of transcriptions and phonograph records and that it is restricted to Judge Rutherford's sermons. The recording studio, likewise Society-owned, is on Staten Island. A supplementary recording setup is operated by the Society in California.

In addition to community ownership of the plant there's the curious personnel feature: Everybody in the plant from the elevator boy to the boss compositor receives the same compensation, \$15 a month plus room and board. These workers have their own dormitory, commissary and common medical and dental service. Everything connected with the publishing enterprise, including the scores of translators, give the impression of living in a world of their own.

Society has its own magazine and claims that only the Bible exceeds in sales the books containing Judge Rutherford's sermons. Part of the organization's tremendous income from the sale of tracts is expended on motorized loudspeakers which travel through the countryside blaring out the Judge's messages. Out of Long Island, for instance, the service with these trucks runs into frequent clashes with the police, actuated primarily by complaint from persons objecting to Judge Rutherford's attacks on their own religious sects.

How far the Watch Tower Society went in making its contacts with the sufficient is attested by an incident that occurred after it moved into its own plant. The Society demanded a special rate from the local light company and when it was turned down the organization installed its own power-generating plant and cut off all relationship with the public utility.

Akerberg Goes Calling

Herbert Akerberg, CBS, v.p. in charge of station relations, left Monday (28) for a tour that will keep him away from his office until around Dec. 20. His first stop will be New Orleans for the transmitter dedications at WLW. After that it will be Chicago, Salt Lake City, San Francisco and Los Angeles.

Akerberg stated that the calls, including the one in San Francisco, will be strictly routine stuff.

RAY SHANNON PERMANENT

Cincinnati, Nov. 28. Ray Shannon, on the WLW-WSAI dramatic staff since May 1938, last week signed a contract dotted with option clauses to 1941, for continuance on those stations.

Before going radio, Shannon was in vaude and musical comedy for many years.

John Breil, who handles house publicity for N. W. Ayer in Philly headquarters, operated on Monday (28) for appendicitis.

WANT CONGRESS ON RADIO

Resolution Would Have All the Hearings Broadcast

Seattle, Nov. 29. A demand that all proceedings of the Congress of the United States be broadcast so the voters can hear what their senators and congressmen are doing, is voiced in a resolution adopted by the Building Service Union, Local 6. The resolution has been referred for action to the National Grange Convention, the Washington State Federation of Labor, the national convention of the Committee for Industrial Organizations and the Washington delegation in Congress.

Seattle city council has been asked to support the movement.

DERMAGELL SOAP IS OVER-DOING, SEZ FTC

Washington, Nov. 29.

Claims of two Washington soap manufacturers that their product, Dermagell, is 'the discovery of the century,' rudely thrown down last week by the Federal Trade Commission, which slapped a complaint on the companies and asked them to reply to allegations that their radio and other advertising has been in violation of Federal laws.

Knob-twiddlers can save their money, Commish indicated, by refusing to react to hallyhoo for the organic soap compound which is supposed to prevent and cure many skin disorders, pep up the complexion and benefit the user by a 'lasting' crop of beautiful hair. Charges received by Commish declare that the advertising put out by Research Associates, Inc., and Dermagell, Inc. are 'grossly exaggerated, misleading and untrue' and that the soap is not different from 'any other product designed for similar usage.'

Peppo Pulls 'Lady'

Hollywood, Nov. 29.

Peppodent is withdrawing 'Candid Lady' from Coast NBC network after 30 weeks.

No replacement contemplated. Lord & Thomas produced.

Irma Phillips to L. A.

Chicago, Nov. 29.

Irma Phillips, writer of 'The Guiding Light,' 'Road of Life' and other serials, leaves tomorrow (Wednesday) for a month's stay in Hollywood.

Main purpose of the visit is to discuss the placement of a film script that she has authored.

AFRA Negotiations Include Writers

That May Precipitate Jurisdictional Dispute With Authors League Affiliate

Hollywood, Nov. 29.

Los Angeles chapter of the American Federation of Radio Artists is negotiating with KNX, local CBS station, for a contract covering actors, singers, announcers, sound effect men and writers. Understood a number of the latter classification are also announcers and actors, etc.

Although the Radio Writers Guild, affiliated with the Authors League of America, has some membership in the AFRA, it is making no moves in regard to AFRA's attempt to represent authors. However, it is watching the situation closely.

Authors League Angles

Neither the Radio Writers Guild headquarters nor the national AFRA office in New York would discuss the matter of AFRA's attempted representation of radio authors on the Coast, so it is not known whether or not the actors' union has an okay from the Authors League to repre-

WLW Dodges Trouble

Cincinnati, Nov. 29.

WLW refused to carry the Mennen Co.'s 'People's Rally' program Sunday (27). The station's action, according to explanation by James D. Shouse, general manager, was on the ground that the topic of discussion, 'Should there be an embargo on German-made goods because of that government's treatment of minorities,' by the program's conductor, John B. Kennedy, was a controversial subject.

Station's position, added Shouse, was to avert acceptance of money for time devoted to such a matter, in accordance with an agreement between WLW and the sponsor when the latter's contract was accepted.

Shouse states: 'WLW will be glad to broadcast a transcription prepared by John B. Kennedy and dealing with a poll of the listeners on this subject, provided it is impartially presented. Broadcast of said transcription would be on a non-commercial basis in a sustaining period.'

A two-minute commercial announcement, explaining a special Mennen offer, was used by WLW at the start of the scheduled 'People's Rally' half-hour period. It was followed by a brief explanation that the program would not be aired that day. In its stead the station broadcast the NBC-fed Richard Himber show.

Vituperative Response To Anti-Nazi Comment Aimed at Announcers

Montreal, Nov. 29.

Marcel Beaulieu and Frank Morisset, news commentators on the 10:15 stanza Friday night over station CKAC, are getting the Morning Freiheit, New York Yiddish-language daily, from an anonymous donor.

Freeheit is being sent by Nazi sympathizers here as a protest against the condemnation of Nazi persecution voiced by Beaulieu and Morisset during the recent German atrocities.

Chris Ellis, leading local news commentator over station CFRC, has removed threat of bodily harm, via phone, from local Nazis peeved by his stand against religious persecution of any kind in Germany. Ellis, accused of being a non-Aryan, is 100% Nordic, standing about six foot two.

Pro-Nazi threats in all instances shrugged off without any report made to police by the commentators.

Stefan Schnable Re-Created

Stefan Schnable, executive secretary, Artistic Schnable, returns to the Goldbergs' program Dec. 12.

He was written out of the script several months ago to enable him to take a European vacation.

Coughlin Repeats Racial Blast Verbatim

Donald Flamm and Ralph Atlas Refuse to Broadcast Priest's Talks Without Advance Copies

Father Charles Coughlin, the Royal Oak, Mich., broadcasting priest, was not heard Sunday (27) over WIND, Gary, Indiana, and WJJD, Chicago, owned by Ralph Atlas, nor over WMCA, New York, owned by Donald Flamm. Meanwhile, other stations on his special paid hookup were reported plenty perturbed by the embarrassing spot they were in as Coughlin repeated his first broadcast blast against Jews as prime instigators of Communism.

Coughlin's talk entered the metropolitan New York area Sunday through WHBI, Newark, and was also heard over WICC, Bridgeport, which records and repeats his talks at 8 p.m., due to commercial contracts that prevent station joining the network at the usual 4 p.m. hour.

Standing by everything he said the first time and saying it again by transcription, the cleric expressed horror for Nazi excesses but saw the whole thing as tied up with Communism. He brought in the persecution of Catholics in Spain, Mexico and Russia as events that Jews and the world had not sufficiently deplored.

By declining to make any gesture of appeasement or repudiation of his broad charges (although specifically denying he was anti-Semitic) the priest aroused further racial animosity, in the opinion of many. Coughlin denies any such purpose. But meanwhile, apart from the controversial aspects of the theme proper, its inject into the whole complex subject of radio censorship has created a gigantic dilemma for the industry and perhaps Government.

Coughlin in striking back Sunday in his 'An Answer to My Critics' emphasized and re-emphasized alleged Jewish control of journalism and communications (radio) as implying that he doesn't get a fair shake on publicity. Coughlin is barred from NBC and CBS which will not sell him or any churchman time. David Sarnoff of RCA and William S. Paley of CBS are thus dragged into the picture as key men of broadcasting and members of the Jewish race.

Commenting on the situation of Coughlin's refusal to submit advance scripts, the states he did not have time) and the cancellation of his time in consequence, the New York Times on Tuesday (29) editorially commented as follows:

FREEDOM OF THE AIR

Responsible persons everywhere will approve the action of those radio stations that refused to broadcast a speech plainly calculated to stir up religious prejudice and strife. These stations acted, and they were entitled to act, on their own responsibility. But it is clear that we are only at the beginning of certain thorny problems dealing with the whole question of freedom of the air.

The amazing development of the radio has presented us today with problems which the classic defenders of liberty were unable even to imagine. When John Milton argued with unforgettable eloquence against censorship, he was writing chiefly about books. To allow a book to be published the government does not have to perform any positive act; it merely refrains from interference. When John Stuart Mill wrote his carefully reasoned essay on liberty, the most dangerous immediate situation he could think of was that of an individual addressing a crowd small enough to come within range of his voice. Mill could not envisage one man's voice being heard at once by a whole nation. He could not foresee thousands of groups, in homes, in public places, on farms, in cities, only dimly aware of each other's presence, but all listening to, all simultaneously affected by, the voice of the same man. He could not foresee the immense possibilities of quick harm, of omnipresent panic, through an instrument of which he had never heard.

There is still another aspect of the radio that distinguishes it from the book, the magazine, the newspaper, or the ordinary amplified speech to a single assembly. The existence of one publication does not make

physically impossible the existence of another. Practically we can print as many books as we like. But clear air channels are limited in number. The government, so I speak, by the physical necessities of the case, grants each station a monopoly of some particular air channel. It necessarily selects from among applicants. It unavoidably fa-

WMCA Catholic ½ Hr.

WMCA will donate the 4-4:30 p.m. Sunday hour to a Catholic program, in substitute for Coughlin.

This gesture is to emphasize station's friendliness to Coughlin's church, while opposing Coughlin's personal ideas.

vors one applicant as against another. It can properly make this selection only on grounds of public policy. But because it makes such a selection and grants such a monopoly at all it must assume certain responsibilities regarding radio stations and what they broadcast—that it does not assume toward ordinary publications or the unbroadcast utterances of individuals.

The right of free speech has never been unlimited. There have always been laws against obscenity and libel. As the late Justice Holmes once remarked, freedom of speech cannot mean the right to cry 'fire' in a crowded theatre. The particular problem we confront today is that of preserving the precious principle of freedom of speech while at the same time limiting the irresponsible abuse of a new instrument of tremendous influence and power. That problem calls for much more serious and careful thought than it has yet received.

Atlas' Attitude

Chicago, Nov. 29.

Failure to provide script in advance in conformation with the usual radio station requirements brought about the cancellation of Father C. E. Coughlin's scheduled talk on WIND and WJJD for Sunday (27). Station declares that the program was also, for the most part, a word-for-word rebroadcast (by ether disc) of the speech of the week previous and therefore would tend to stir up again the nationwide controversy which had resulted previous Sunday.

Many Praise Coughlin

Philadelphia, Nov. 29.

WDAS, professing anxiety to be rid of the Father Coughlin show, continues to debate this week whether cancelling it would do more harm or good. Outlet, like others carrying the show, is on the spot. It apparently faces trouble no matter what decision it makes.

Letters, postcards and telegrams, which started after the first broadcast last week, have continued, growing in volume. There are more favoring the broadcasts than against it, but latter are suspected to be from organized sources, while the protests are strictly from individuals. Hundreds of postcards demanding continuance of the show are all in the same writing and from the same zone, although they bear different names.

CHEVROLET'S EXIT CRIMPED MPPA FEES

Dropout of the Chevrolet disc series has had a marked effect on the income this season of the mechanical rights division of the Music Publishers Protective Association. Collections for the first half of the current year indicated a substantial increase over the take for 1937, but the loss of the Chevrolet royalties so reshaped the situation that the inflow from transcriptions will be just about it was for last year. MPPA's revenue from radio sources for 1937 was around \$265,000.

Also credited with putting a dent in the association's gross from transcriptions is the wage scale boost imposed by the musicians union.

Watertown, N. Y., Reversal of Grant Upheld

Washington, Nov. 29. Attempt to block another three-cornered hearing on rival applications for right to build a local transmitter at Watertown, N. Y., failed last week when the U. S. Circuit Court of Appeals here declined to interfere with schedule procedure of the FCC. Case has been a headache for several years, with intricate litigation following attempt of competing groups to gain tactical advantage.

Result of the circuit court stand—unless the present phase of the fight is laid before the U. S. Supreme Court—is to permit the Commish to go ahead with plans for further ventilation of the ambitions of Black River Valley Broadcasters, Inc., Watertown Times, and Watertown Broadcasting Co. Important legal point established by the judges is that the FCC has power to vacate a grant of construction permit.

Had Investment

Opinion, written by New Deal appointee, Associate Justice Fred M. Vinson, of Kentucky, was a rebuff for the Black River crowd. Stymied applicant had spent several thousand dollars on towers, studios, and other equipment when the Commish, in December, 1936, reversed itself and decided to look at the matter anew. Authority to erect a local transmitter operating on 1420 kc originally granted in October, 1936.

Order vacating the grant had been challenged in the lower Federal court by Eliot C. Lovett, counsel for Black River, on the ground the Commish never acted upon a prior motion of Watertown Broadcasting Co. for rehearing. Unsuccessfully contended the FCC lacked the right to call for another hearing on its own motion under the circumstances.

In upholding the regulatory body, Judge Vinson in effect said the Black River crew will have to wait until some positive action, injuring its interests directly, has been taken. In event the Commish finally turns down its plea for a C. P., a court appeal then will be in order. Spokesman for the tribunal pointed out that Congress made the Court of Appeals the sole appellate body for handling action affecting the FCC and declared the attempt to "block" the regulatory agency was improper.

FREE BEER LURE FOR MILWAUKEE

Milwaukee, Nov. 29. An intensive advertising and publicity campaign, in which station WTMJ will cooperate, is being planned by Milwaukee business people to secure visitors and conventions for the city during 1939 in competition with the fairs in New York and San Francisco.

A committee under the direction of George M. Harris, Hotel Schroeder's p.a., from where broadcasts over WTMJ and the NBC network are aired coast to coast, has been formed. In addition to WTMJ, other interested factors include the association of commerce, the Milwaukee Advertising club and the First Wisconsin National Bank.

It has been suggested that the breweries announce that they will give away 1,000,000 glasses of beer during the coming year. One brewery already has agreed to incorporate in its national advertising invitations to people to visit Milwaukee next year.

Bugler Tobacco to NBC

Chicago, Nov. 29. Bugler tobacco show, "Plantation Party," now on a Mutual hook-up, switches to NBC on 9 p.m. on a coast-to-coast ride over the blue web, using 30 minutes from 9 p.m. EST.

Brown & Williamson product account handled through Russell M. Seeds agency here, which also is placing Avalon cigarette time.

Harmon Nelson with Y-R

Hollywood, Nov. 29. Harmon O. Nelson goes east next week to join Young & Rubicam agency as talent buyer.

He is former band leader and recently filed suit for divorce from Bette Davis, film star.

Paid Off in Silver

In her "curtain speech" on the International Silver program on Sunday night (29), Helen Hays said she was so delighted with the sponsor's product that she intends giving silver to all her friends this Christmas.

What she didn't explain was that she was given several thousand dollars worth of silverware as part payment. She has since remarked privately that she might have to build an addition on her Nyack, N. Y., home to make room for it all.

For performers to be paid off in goods is nothing uncommon in radio. Studebaker made a regular practice of paying off in cars several seasons ago. The recipients were the guest artists. Packard did the same thing in at least one instance with its "Starlight Roof" show last year. Jack Benny was offered a car for an appearance on that program and he readily accepted.

From the income tax angle the acceptance of goods in lieu of money makes no difference in the final count. The law provides that all such payoffs for services rendered be included in the report with the amount noted to be that equal to the fair market value of the goods.

'AFTER TOSCANINI, WE'RE NEXT'—SPONSOR

Cleveland, Nov. 29. Dropped by Lubbeck beer, Carl Mark's Saturday "Nite Owl Club" over WHK has been bought by Noss Fretz Co. with one stipulation. New sponsors are extending swing program to two-and-a-half hours but specify that it must follow on the heels of Toscanini's concert, no matter how long the latter lasts.

Mark also having his three-a-week jitterbug sessions renewed by West End Laundry for 13 weeks for another experiment. To test coverage, company is passing out free laundry tickets to every fifth person who calls up WHK during broadcasts.

TEXACO OPTIONS

Several Changes—Jane Froman East—Salary Cuts Reported

Hollywood, Nov. 29.

Options on Texaco program were taken up Tuesday by the Buchanan agency via William Morris. Herculean efforts to get show's production smoothed out are in progress. Started around 10 in C.A.B.

Changes contemplated include a femme warbler and emcee-comic. Jane Froman has had sinus trouble since coming to the Coast and wants to return east. John Barrymore will appear until a new ringmaster is brought on the show.

Texaco feels confident that John Barrymore will be available after the first of the year to continue as emcee of its Wednesday night show over CBS. It has been doing some scouting around for a possible successor, approaching Cary Grant, Douglas Fairbanks, Jr., and others, but the impression now prevails that Barrymore will again put off his proposed appearance in a Broadway production.

With the renewal of Texaco all members of the cast are reported taking salary cuts. Script trouble of Una Merkel involving Metro supervision of what she does is another pending problem.

Benny Troupe East

Hollywood, Nov. 29. Jack Benny and his air troupe departed for the east yesterday (Mon.) to do at least two broadcasts from New York.

Air-film comic wants to look over the new shows and get a fresh perspective for his radio scripts.

Fuller With Local Agency

Rochester, N. Y., Nov. 29. LeVere Fuller, formerly staffs of WHAM and WSAW, has joined McLaughlin Advertising Agency in charge of radio business.

He has also revived his dramatic book reviews, aired over WGY for five years, as a 15-minute commercial for Book News Co. over WSAW. He writes the shows which are presented with the aid of his own group of players.

Kiddoodlers' Dixie Sponsor—Soft Drink

The Kiddoodlers were signed last week to make a series of 26 transcribed 15 min. programs. Platters will be used on the Dixie net in behalf of Dr. Pepper's soft drink. It's the first commercial for the band composed of some 106 miniature instruments which has been an NBC sustainer for almost a year and a half.

Outfit totes its instruments to Schenectady Dec. 1 for a three-day p. a. with Blue Barron with whom it opens at the New York Paramount Dec. 7. Set also for a guster on the Benny Goodman Camel show Dec. 6.

Reber States Kellogg Just Talk So Far

John U. Reber, J. Walter Thompson's radio director, declared yesterday (Tuesday) that no film names have been set for the Kellogg, which starts on NBC Jan. 15. He said that there has been a lot of talk with agents and program lists made up, but it's all far from the signaturing point.

Reber scouted as baseless the report that Rudy Vallee might move over to the Kellogg stand, with his Thursday night underwriter, Standard Brands, dropping out until next fall. Reber said that the fact that Standard Brands had just picked up its option for Vallee for the entire year of 1939 should settle that one.

WALTER O'KEEFE TO ETHYLIZE ON SHIP

Walter O'Keefe left last week on a 15-day Caribbean cruise. He wants to rest up from a long layoff and also get himself in condition for his new program, Ethyl gasoline, which starts on CBS Jan. 1. Contract guarantees a minimum of 26 weeks.

Show, which will be pitted against the first half of the Kraft Music Hall, will also have Andre Kostelanetz and a Kay Thompson choir.

Canova Off C & S

Hollywood, Nov. 29. Third change in the comedy spot on Chase & Sanborn will be made around first of the year when Judy Canova, Zeke and Annie finish out their 13 weeks.

Java show started with W. C. Fields, shortly after taking on the Stroud Twins before spotting the hillbilly trio. J. Walter Thompson talent sleuths still looking around for a funmaker.

Larry White has left Hayward-McCormick agency where he headed radio department.

Washington Conversation

Royal's Field Goal

Hearty chuckles given listeners and commish attaches during cross-examination of John F. Royal, NBC vice-president, about handling of speakers who run beyond the allotted time. Because of careful planning, programs seldom exceed the limit, he said, except when government officials are speaking. Industry people derived amusement since Chairman McNinch, talking from White Sulphur Springs a few days before, had gone seven minutes beyond the 30-minute limit on his speech.

91 Pages the Final Straw

Dissatisfaction of the FCC committee with printed briefs and statements resulted last week in an ultimatum that no more elaborate booklets can be read by witnesses produced by respondents. Factual data desired for promulgating new regulatory policies can best be obtained in other ways, McNinch announced Wednesday (23) as O. B. Hanson, chief engineer of NBC, resumed droning, through a 91-page mimeographed chronology. Because understanding had been reached between attorneys, permit was given for the technician to finish the recitation, but henceforth question-and-answer technic will be followed, probably with commish interpolating frequent inquiries instead of adhering to the customary practice of direct and then cross examination.

'First's' Read Into Record

Numerous 'firsts' in history of broadcasting were chronicled last week. First regular link between stations was long-distance telephone circuit between WEAf, New York, and WNAC, Boston, a one-shot connection. First series of piped programs was sent WMAF, South Dartmouth, Mass., in summer of 1923. First station to become regularly affiliated with NBC was WJAR, Providence, still a network affiliate and consequently veteran member of the present far-flung web.

'Self-Praise' Charge by McNinch Most Notable Development Of FCC Hearings So Far

Washington, Nov. 29. Detailed technical chronology, giving step-by-step picture of the engineering evolution of both networks and individual-station broadcasting, occupied the FCC chain-monopoly investigators several hours during hearings last week. Only three sessions, on account of the holiday.

Bulk of the time was consumed by O. B. Hanson, chief engineer of NBC, who read a voluminous history tracing the problems which arose and elaborated on the solutions so that broadcasting on a national scale and around-the-clock

Raps NBC Booklet

Washington, Nov. 29. Stern rebukes for the presentation of "irrelevant" evidence was handed NBC by Chairman McNinch as hearings resumed Tuesday.

Several web exhibits were rejected when McNinch and Porter wrangled with Philip J. Hennessey, NBC attorney, about value of booklets and speeches by company officials.

Web attempts to put in pamphlet describing Radio City drew sharper reprimand, with McNinch declaring while he presides time of committee will not be consumed in receiving material that is "purely advertising." Chairman termed book "manifestly laudatory" and inquired what relation number of tons of steel in buildings has to regulatory policies. Eventually McNinch decided the exhibit was relatively harmless but none too helpful.

has become a major business. Before his appearance, John F. Royal, web vice-president in charge of programs, endured cross-examination about program policies. Little of importance brought out to supplement his prepared direct testimony of the previous week.

Highlights of the Hanson recital were the explanation of why cross-licensing of equipment patents became necessary and the reasons why the American Telephone & Telegraph Co. has become an integral part of the broadcast structure. Otherwise, his testimony was chiefly descriptive and of the text-book variety.

Progress and Power

Dig at the present FCC apprehension about web operation was taken by Hanson. As has been emphasized before at other Commish proceedings, every jump in power maximum has been regarded by laymen as dangerous trend and a frankenstein. Remark that although phenomenal growth of broadcasting started in 1923, it took two years for WEAf to get author-

ity to use 5 kw needed to cover dead spots in New York City, so grave was the concern about super-power.

Development of technique by which television networks can be created was said to be the next great frontier which engineers must cross. Because program cost of visual transmission is so much greater than in aural broadcasting, it will be feasible to provide picture service to the nation only if plants can be hooked to a common source of supply.

Disagreeing with enthusiasts who think broadcast television is just around the corner, Hanson emphasized that from a technical standpoint visual operation is 100 times more complicated than sound broadcasting and cautioned "for this reason, years of development have been required to bring it to its present practical state and still many unsolved technical problems lie before us."

Economic obstacles in the way of television are as high as to be most terrifying, according to the NBC expert. To satisfy the public after novelty wears off, actual spot programs of field events must be provided. This requires moving huge masses of delicate equipment. At present NBC is using two 10-ton trucks to carry the theory to logical conclusion and duplicate what can be done with oral descriptions, four units will be required. At this rate, spontaneous television field pick-ups call for costly investment and high operating costs. Little can be accomplished beyond the experimental work now in progress until an economic solution has been found to support it.

Quiz Royal

Wind-up appearance by Royal was devoted chiefly to attempts of William J. Dempsey, FCC general counsel, to draw confessions that NBC has unusual power over distribution of programs. In this, the Commish inquisitor had some success. Web affiliates are free to reject sustaining programs, Royal insisted, although company-owned plants often are required to carry company-originated programs that are not commercially sponsored. The two NBC webs are distinctly competitive, although they often reach the same audiences. No identical facilities. No effort to favor or push one over the other.

Dempsey strove to get Royal to admit that NBC limits competition between the two separate webs. Suspected a poor-grade sustainer was spotted opposite commercial programs so the audience for a revenue-producer would be as big as possible. This was denied by the program boss.

International relations of NBC were examined briefly. Denying his company has a material advantage because of RCA's presence in the international communications field, Royal conceded NBC has first call on programs from Germany and Austria but added the only concrete understanding for exchange of programs with other countries is an informal contract with British Broadcasting Co. Most arrangements are distinctly informal, he maintained, and NBC does not have an agreement by which it has first call on RCA's facilities abroad.

Sessions resumed today (Tuesday) and will run through Friday (2) with more NBC experts in the witness chair.

CHILDBIRTH FATAL TO MRS. RALPH ATLASS

Chicago, Nov. 29. Mrs. Ralph L. Atlass, wife of the president of WJJD and WIND stations here, died on Nov. 24 of complications following child-birth. Child, four-pound girl, born prematurely, lived.

Tom McCarthy Joins WCFO

Cincinnati, Nov. 29. Tom McCarthy joined WCFO as news editor Monday (28), succeeding William Gold.

Formerly of the Washington Post, McCarthy assisted in that paper's newscasts on WRC and WMAL.

'CENTRAL CITY'

With Tom Powers, Van Heffin, Eleanor Phelps, Elsie Egle, Selma Royle, Frank Wilcox, Everett Steane, Myron McCormick, John McBryde, Harry Bellver

15 Mins.

PROCTOR & GAMBLE

(Mon.-Fri., 10:45 a. m.)

WJZ-NBC, New York

(Blackett-Sample-Hummert)

Dramatic scene has replaced Ma Perkins five mornings a week over 11 NBC live stations to plug Oxydol, Procter & Gamble's 'high-powered' laundry soap. Ma has been moved to the 3:15 slot daily over the red ribbon.

Although it's hardly gripping stuff for the sophisticates, 'Central City' is fairly adult material by normal daytime radio serial standards. Employing a sort of Grand Hotel technique, the show deals with the everyday lives and accidents of a representative group of people in a 'typical American industrial city of about 50,000 population.' In expressive yet astringent scenes, the show tells us about the household of a print shop owner, with the romantic complications of the daughter having an integral part. Characters are clearly defined and there is an avoidance of too much hokum. So far, the yarn holds interest.

Direction is deft and moving, while the playing is persuasive. On the stanza caught up by Tom Powers played a sort of commentator-scene setter-philosopher, Eleanor Phelps was the daughter of the household, Van Heffin her fiancé, Myron McCormick the rejected suitor, Selma Royle the mother, and Frank Wilcox the father. Others listed in the credits above appear from time to time as other characters.

There are two commercials, one ultra-windy one at the start and a shorter one at the finale. Announcer ignores the personality stuff and bears down on the soap-seller's salesmanship. Uses a vocal mallet to found in a flock of claims that Oxydol will clean up just about anything but a smoking car story.

Hobe.

'HIGH SCHOOL REPORTER'

With Emanuel Denby

15 Mins. Local

ROYAL TYPEWRITER

WJZ, New York

For high school audience. Listening interest must come solely from high school feuds (if kids want to hear what their enemies have to say) or curiosity to hear what schoolmates sound like on the radio-for laughs. Commercial is directed right at the high school, and other group could stand the wind and words.

Emanuel Denby (he's matriculated to college) conducts and is content with preps for participants. Brings in boys for conflicting football predictions about high schools and for little events in the lives of little boys. Some are a step or two lower than the commercial, especially reporting of a 'guinea pig' that escaped from a lab which scared all the girls.

Has 'contest' with giveaway. Currently tied up with film, 'Dark Rapure', at Globe theatre. Kids submit compositions on 'the frontiers, Congo, Africa's land. All very elementary, including 'Prof.' Joe O'Brien's handling. Hurl.

JACK CURRAN
With Jack Rogan's Orchestra, Judy Helman, Al Dary

20 Mins.-Local

ROY FURNITURE CO.

WFLB, Syracuse

Half-hour variety show is in eighth year on air. Curran, of WFLB staff, writes, produces, directs and emcees show. 'Tenors' a solo group, then

Fast peppy music is specially arranged by Rogan for 17-piece outfit, and clicko. Helman, youthful torcher, is now permanent member of cast along with Al Dary, former Paul Whiteman Rhythm boy. Sextet goes to bat with three girls, three boys and handle pops and classical numbers. Violent group is high spot on show.

Stage display of cast as they broadcast from stage of RKO Keith's theatre of Schine chain is ornate, and smart adv. Whole show makes grade.

'MUSIC AND MUSINGS
Singing Trio, Talk

15 Mins.-Local

Sustaining

Friday, 10:45 a. m.

WHBC, Rochester

Offering a mixture of music and homespun philosophy, this is one of the better WHBC-produced air programs. Theme 'Lickum' played by organ, harp and cello, then fades into cheerful poem, 'Smiling Through,' read by Ken French.

Plaintive quality and sweetness of strings in instrumental, 'Smiling Through,' strong appeal. Players are Ardelia Spornon, harp; J. Gordon Baldwin, organ, and Vance Beach, cello.

Interspersed are timely talks and quotations by Ken French, emphasizing in the program caught thankfulness for freedom in troubled times, plea for patriotism and opportunity for happiness.

Entire show runs smoothly and effectively. Cord.

'COUNTY SEAT'

With Ray Collins, Clifford Carpenter

15 Mins.

Sustaining

Daily, 7 p. m.

WABC-CBS, New York

Aired at the same time and in competition to Amos 'n' Andy, and also to 'The Jack Benny Show,' 'County Seat' is scripted around a corner drug store character of any small town. Ray Collins, formerly of light comedy in CBS in its Columbia Workshop and Mercury Theatre of the Air programs among others, handles the lead.

He was introduced to the listening audience for the initial broadcast by Orson Welles, who generously described him as one of the finest actors in radio. Getaway served to implant the aim of the series in the minds of listeners and should pick up as it goes along. It concerned a bit of labor trouble between 'Doc' Hackett (Collins) and his hireling, played by Clifford Carpenter.

Method of settling the dispute solidly impressed the homey, understanding theme of the leading part. 'Wagoner' characterizes Hackett and Collins would improve better if he showed his lines. They were too staccato and sometimes harsh.

CHRISTMAS PARTY

With Bobby Hutsell

Children's Program

WABC, New York

BILL'S CONSOLIDATED

Daily, 5:30 p. m.

WBAI, Louisville

Bobby Hutsell, an old standby boy's and girl's program, sponsored by a chain of auto accessory stores in Kentucky and Indiana, provides entertainment for the kiddies, and shares the interest in the growth-up as well. Monkeys who play parts on the show all handle their lines with assurance, and pace the show without a hitch. Hutsell's interest, and exhibit a freshness and spontaneity which makes for okay listening.

Toy orchestra directed by Bobby Hutsell, intersperses typical Christmas and kiddie tunes throughout, and kids accept themselves capably in the vocal department. Show is written and produced by Dudley Musson, station's production head, and he has molded a smoothly moving, bright 15 minutes.

Capable local production. Hold.

MARIE W. CLARK

With Marie W. Clark

Children's Program

15 Mins.-Local

WEA-W, Chicago

WHAN'S HAIRDRESSER

Daily, 5 p. m.

WGN, Chicago

Mrs. Marie Whitbeck Clark, local socialite, has written a book of children's songs and plugs it rather too heavily in her presentation of numbers from the opus, including nursery rhymes, such as 'Miss Muffet' and 'Miss Mary.'

Mrs. Clark, who is talking and playing the piano, uses a stogie for the warbling. Novelty of second show which drew big local audience was air debut of Sidonie Goossens, 6, daughter of Eugene Goossens, former conductor of Rochester Philharmonic Orchestra. Cord.

'HISTORY MADE WHERE YOU LIVE'

With Radcliffe Hall

15 Mins.-Local

TROY SAVINGS BANK

Thursday, 6:45 p. m.

WGTV, Savannah

Three things stand out in this community-historical program: Good scripting, production and restrained advertising. The time spent in preparation of the live show of such area radio—pays off in a finished air presentation. Details like music cues are given the attention they deserve.

Radcliffe Hall, who works on this show with a talent line-up comprising practically every studio hired hand and a few rung in from the outside now and then. Includes Ken Wright, the organ, Allen Clark and staff, Pancho (Lee Norton) and Ridgerunners, Edward McCurdy (warbler), John Shafer (sports-caster) and a varied assortment of other names.

Last Friday (18) show opened with McCurdy doing 'Through the Years' in tip-top fashion. Pancho (Lee Norton) introduced 'El Caballo (the horse) and his Ridgerunners, vocalized 'La Golandrina' singly and a couple of other Mexican ballads accompanied by Chiquita. Allen Clark organ moved in with a swell arrangement of 'Vini Vini.' Telegram from Shafer, Ames, Iowa, for the Sooner-Cyclone band, was read. The organ, Allen Clark and organ in 'Home on Range.' Wound up with 'When My Dream Boat Comes Home' with Clark organ and Ken Wright at organ.

Best variety show heard on local stations. Lewis.

Follow-Up Comment

Buddy Clark's Sunday Supplement on CBS in late afternoon paid tribute to the late Porter's aired show, 'You Never Know,' and the current hit, 'Leave It to Me.' Produced by Ira Ashby, Leith Stevens orchestra and Edith Dick, as Clark's vocal virtuoso, proved excellent support. And those Porter lyrics—they seem to be getting better than ever.

Ben Bernie's Sunday Half-and-Half show was in tribute to his 15 years in the air, his maestro proved his veteranism by ease and general mike poise. This factor is production asset to bolster material, as and when that comes thin.

Mary Small's 'Cigaret' vocal burning in her usually adept vocal manner, and here again Bernie took advantage of the play on the word 'Cigaret' in the song title to plug the Half-and-Half pipe tobacco. Lew Lehr's post-Turkey Day-terms were fairish in their left rears. Bobby Gibson, Bernie's top co-star this year, made much of 'Two Sleepy People.'

Wrist exercise: Donald Flamm's statement on why his station barred Father Coughlin from the WMCA microphone was a well put explanation. Anticipated the probability station-censorial attitude might tend to 'martyr' speaker. Stressed that almost every other script gets a station review and that 'martyr' is not to be 'haphazardly abused.'

Benny Von has a consistent, fifty half-hour of variety on WOR Sunday after, not the least of which is her charming manner of singing and her personality. Her 'Cigaret' Jimmy Walker's Visiting Hour for WMCA occurred twice this week, once on Thanksgiving Day, and on Sunday, per usual. Henry Youngman was a comical outlander on latter, even though he sounds like a road company of Milton Berle, more on delivery, rather than material. As for the latter, both undoubtedly are debtors, to divers sources. Billy Howe's Wrigley half hour is another strong comedy interlude early Sunday evening. The 'Chile company' is considering, and wisely, the idea of using both House and the new Jesse Lasky program this winter.

'SAY IT WITH MUSIC'

With John Weigal

Records

15 Mins.-Local

EUDOLPH WURLITZER

M-W-F, 5:30 p. m.

WGN, Chicago

(Schwimmer & Scott)

Straight-selling program for musical instrument house. Instead of asking the listeners to come in and buy an instrument, they are told to sign up for 10 lessons at \$1.25 per week, with an instrument delivered free-of-charge for use during this period. If, at the end of the 10-week lesson period they wish to continue with the instrument, they can then buy the instrument.

Musical discs are chosen to point up the individual instruments, and are thus sprinkled with piano, violin, xylophone, etc., solos.

Another angle is the spotting of the show in the preceding 'Little Orphan Annie' on this station, though the commercial spiel on this instrumental period is strictly in adult phrasing. Gold.

GERRY MORETTI

With Alice Johnson, Betty Barrett, Gene Babbit, Coyita Bunch and Al Barill's Orch.

Variety

50 Mins.-Local

Sustaining

Daily, 3 p. m.

KWK, St. Louis

A pot pourri of gags, orchestra music, warbling, at times, double talk, etc., is an attention getter here. More work for Betty Barrett, a 13-year-old song bird, and Gene Babbit, another warbler, would help

Babbitt, in addition to his swell warbling of 'I Won't Tell a Soul' and a duet, 'All Ashore,' with Coyita Bunch, who possesses a 'Kenney' Baker style that scores in several keys the burden of which is carried in o.k. style by Moritt and Anthony. The first of these, the expedition of Christopher Columbus in his quest for a short route to India, was for fit and Anthony an opportunity to switch to the Negro dialect which they do satisfactorily.

Moritt, a recent addition to the station's talent staff, ad lib in this and another built around the courtin' of a Tennessee mountaineer for his sweetheart of the hills that furnish laughs at the easy winks to the talk of the backwoods folk.

Carl Stanton and production aide, Mickey Lusk, back in Hollywood from Denver where they put on Colorado's Hour for the state's chain stores.

ALBERTA HUNTER

Songs, Band

15 Mins.

Sustaining

Friday, 10:45 p. m.

WJZ, New York

It's the second try for Alberta Hunter on NBC. Network had her on for a fairly considerable stretch a couple seasons ago, introducing her as 'the colored singing sensation of England and the Continent.' She failed to cut much of a swath and to Europe she went to fill a row of niter and theatre dates. Currently she's doubling from the sustaining series into Tony's, one of 524 Street's manifold hot spots.

Miss Hunter makes pleasant listening. She has a keen sense of rhythmic values, proving an equally effective saleswoman with either the slow torch or the fast rhythm ditty. Sty shifts in mood as far as the repertoire is concerned indicate some smart production steering. When singing program included 'Mary Lou' in its original French. Her interpretation gave the impression that the soft, slow-moving sentimental tune was her best bet.

Ode.

SCHENECTADY TOWN MEETING

With Michael D. Hanna

39 Mins.-Local

Sunday, 3:30 p. m.

WGTV, Schenectady

A local and milder version of NBC's Town Hall Affair. Program is presented by Capital District Forum, a project of the U. S. Office of Education, with first half of the program a discussion in Union College chapel broadcast. This part radio setup does not make for the most telling reception; lack of a definite air format further hurts. On some broadcast time element has not been given sufficient consideration. Quiz section is seldom as brisk as radio demands. Unfortunately, technical facilities inadequate for the smoothest broadcasting. No parabolic mic.

Hanna turns in a generally competent job as chairman. He might exercise firmer control at times. Yac.

'THIS DAY IS OURS'

With Jay Jostyn and Templeton Fox

Dramatic Serial

15 Mins.

CHBC, Chicago

Daily, 1:45 p. m.

WABC-CBS, New York

(Compton)

With war-torn China as a background, this is a realistic approach to 10 minutes of drama and five minutes of commercials aimed strictly at the housewives. Chiefly in its favor is the crispness of the script, with the male lead to win the girl away from the tough type of gag identified with Clark Gable in films.

Templeton Fox plays the sweet young thing, daughter of a missionary, who has appeared along with the wrecking of his mission. A third clerical character, identified as Paul, is the third corner of the triangle. The male lead to win the girl away from the adventurous Jostyn and his mysterious Chinese pal, who are helping her look for the old man. At this catching (11), the romance was just about catching on.

Commercial is murder by daylight. Runs nearly five minutes at the finish with a box-top contest come-on. It's a bath in words. Scho.

Ralph Wiel's Position

Ralph Wiel has been named manager of the Chicago office of International Radio Sales. He quit his post as commercial manager of WISN, Milwaukee, to take this assignment. Wiel's successor has not been picked.

E. E. Hill Heads WTAG

Edward E. Hill succeeds the late John J. Storey as director of WTAG, Worcester, Mass. Hill takes over Dec. 1.

He came with WTAG in 1930. Hill has been in the business for 11 years as announcer, salesman, studio head and station manager.

LES FANEUF ON B. OF E.

Buffalo, Nov. 29. Leston P. Faneuf, WKBW news commentator, has been appointed to the Buffalo Board of Education to fill a vacancy caused by death. Faneuf, former teacher and newspaperman, was appointed secretary to Mayor Holling on Jan. 1. A couple months ago he left that post to join the public relations department of the Buffalo, N. Y. Co.

He'll continue with the Marine and on the air, the school board job being a part-time.

Stemmler's Sidelines

Syracuse, Nov. 29. First announcer, then program director and more recently in charge of special sports broadcasts, Nick Stemmler has been named merchandising manager of WBYR. He succeeds Gardner Smith who joins the sales staff.

Washington Lobby

Washington, Nov. 29.

Bewildered industry representatives are trying to determine exact attitude of FCC chairman Frank R. McIninch toward broadcasters. Conflicting tenor of remarks at the recent Fourth District NAB convocation, White Sulphur Springs, increases apprehension. Delegates from District of Columbia reported on their return last week that the FCC sleeter in an 'off the record' talk at a luncheon seemed friendly and sympathetic and considered his evening speech, aired via CBS, indicated a tough attitude for appeasement of the public and of critical groups. But which set of remarks represented his real feeling is a conundrum.

With Father Coughlin feuding with WMCA, New York, over his Sunday talks, politicians were agast at the Detroit priests' recent denunciation of President Roosevelt's secretary, Stephen T. Early and charge that Administration 'hatchlings' were throttling news commentators critical of the New Deal. Comment occasioned by the Nov. 21 issue of 'Social Justice,' the padre's weekly mag, which caused accusation that stations which allowed their facilities to be used by unfriendly spieles 'would be taken care of.' Finger was put directly on Early with a grim cartoon showing him carrying a wicked machete.

What the FCC intends to do about the widely-publicized Mars broadcast is becoming one of the town's outstanding mysteries. Since the secret auditioning of the CBS recording two weeks ago, not a peep has been heard from the FCC. Whether all is forgiven or the regulators are still toying with the idea of spanking the web and affiliates which aired the H. G. Wells thriller. Most of the members who listened appeared inclined to drop the matter, but the network has not been informed if that is the feeling of the majority.

Capital rumor-factory again at work on probable successor for FCC Chairman McIninch when, and if, McIninch leaves his present post.

Cranked by local news writers, guessing-machine mentioned three New Dealers who were left behind in the late-lamented elections. Rep. W. D. McFarlane, Texas Democrat, who missed the boat in the primaries, and Otha L. Worin, Iowa Congressman who slipped when he attempted to climb from the House to the Senate, named as coming close to Administration desires to put in as chairman an individual coming from west of the Mississippi River. Rep. David J. Lewis, another House member who lost his seat by competing with an Administration-opposed Senator—also reported under consideration, although he hails from Maryland.

While McFarlane was mentioned as a possibility, it was indicated that his chances were not as good as those of Wearin or 'Little Davey' Lewis.

Lux Bans Audience**For 'Snow White' Aired**

Hollywood, Nov. 29. For the first time, Lux broadcast Dec. 28 will be aired without benefit of studio audience. Show will be 'Snow White and the Seven Dwarfs.' No audience edict was deemed essential to preserve the illusions.

Banks' Human Touch

Milwaukee, Nov. 29. New half-hour 13-week series labeled 'Musical Moments' will be screened over WTMJ Saturday (30). Bob Eberly will write and program features Larry Strachan's orchestra. Milwaukee Bankers association to sponsor.

Idea is to present interviews with bank employees and discuss banking problems from a humanized standpoint.

Vaughn de Leath on WICC

Bridgeport, Nov. 29. Vaughn de Leath, pioneer NBC singer who has a home in Easton, Conn., fitting a local WICC three-a-weeker into her schedule. Chore is a breakfast item, with songs and commercial announcements.

Songstress is also femme half of team of Joe and Ted credited with current 'Teach Me to Forget.'

Background Buzz

MIDWEST

Allen C. Anthony, chief of gabbing staff at KWK, St. Louis, on the shelf with an abscessed tooth. Martin Bowen, another gabber, doing the pinch hitting stint.

Gerry Morfit, m. c. of 'Midafternoon Madness' show at KWK, St. Louis, back at work after short layoff due to ailing pipe.

'Little Orphan Annie,' Cocomalt's 15 min. transcription serial, has been added to program sked to KXOK, St. Louis.

Roy Schaffer, Lone Star Cowboy, formerly with WWL, New Orleans, has joined his former boss, Al S. Foster, at WEW, St. Louis, and will do a program for the Caron Furniture Co. Schaffer is the station's sole hillbilly artist.

New faces at WTMV, East St. Louis: Winston L. Clark, former manager of WLAP, Lexington, Ky., to sales staff; Wilfred MacDill, gabber from WTAD, Quincy, Ill., and Ernestine Friedli, formerly with Illinois Reciprocal Trade Assn., now receptionist.

Lee McLendon, formerly with KWKH, Shreveport, La., has joined the continuity staff of KOIL, Omaha. Owen Babbe, new announcer at KOIL, Omaha, was formerly with WHO, Des Moines.

Douglas Edwards, formerly with WHET, Troy, Ala., and WSB, Atlanta, joins speling staff at WXYZ, Detroit.

Mabel Boddicker now assistant to Mary Little, radio editor of the Des Moines Register and Tribune. She replaces Mrs. Wayne Varnum, resigned.

Hal Norman, formerly on staff of KFJ, Wichita, returns as news staff announcer for local station Dec. 1, replacing Vic Rugh.

Bob Lyle, gabber, KMOX, St. Louis, back at stint after three weeks' layoff for an appendectomy.

Bill Cook, gabber, KXOK, St. Louis, now with WBNS, Columbus, Ohio.

C. L. Thomas, gen. mgr. of KFBU, Columbia, Mo., is in New York for several weeks on station biz.

SOUTH

New head of the accounting department at KTSa, San Antonio, is Victor Susman, succeeding Hal Higgins, gone to Fort Worth, Tex.

Lew Kent, announcer on WMAZ, Macon, Ga., is out of the running for about a month. He is recuperating serious intestinal operation.

Jack Hoffman and Ken Linn, KTUL, Tulsa, staff, on musical breaks sponsored by Brooks Packing Co. Deal landed by Melvin Drake, salesman.

KTUL hired hands very active in Tulsa Little Theatre organization. Sylvia Stecher lead in Ibsen's 'Doll House.' Hillis Bell chairman number of Little Theatre projects. Rhett Milligan, sec. to W. C. Gillespie, did Irene in 'Idiot's Delight.' Ken Linn, announcer, played part of 'Dr. Waldessee' in same.

Ted Compton back at WBBZ, Ponca City, after six-month stint at WMCI, Ashland, Ky.

Jack Shacklett, sales promotion staff of KLRa, Little Rock, resigned for position with WHL, Johnson City, Tenn.

Tommy Plaster, formerly with KGHI, Little Rock, new announcer at KTAT, Fort Worth. Milton Twardell, KGHI sales department, resigned in favor of KFDM, Beaumont.

EAST

Bernie Armstrong's half-hour variety show, 'Time Out for Fun,' on KDKA, Pittsburgh, has been resumed on regular Monday night slot after month's layoff.

Bill Winne, who served as announcer in Atlanta, Ga., and elsewhere after leaving WOKO, has returned to Albany as a WABY mike-man.

Return of Kenneth R. Berkeley, manager of NBC's Washington outlets, from lengthy trip abroad was

Here and There

Bill Watters returned east after working here on 'Broadway Post Mortems' for WMCA (New York).

Gene Autry will head the Republic film studio show when it comes out as a CBS sustainer.

Father Flanagan and Boys Town performers being offered around for air bankrolling.

Fields Bros. bought out Roger Laswell Corp. in L. A. and will operate both live and wax production.

Young & Rubicam office workers put on 35-hour week by Tom Harrington, Coast radio head.

Leo Tyson, KMPC, Beverly Hills, reelected for another term as prexy of Southern California Broadcasters Ass'n.

Robert Rouse, former commentator on Hollywood Journeys program on KMTA, Hollywood, has joined the staff of KTRH, Houston.

Maurice Reynolds new announcer at CKCK, Regina, Sask. Came from Moose Jaw.

STATION SHOWMANSHIP

(Attention-Getters, Tie-Ups, Ideas)

'Show Your Colors'

New York City. Bob Emery's 'Rainbow House' on WOR is plugging Americanization aspects strongly through the juvenile audience attracted. Has gotten American Legion endorsement and publicity.

Latest quirk is to abolish tickets and have admission to the studio on a 'show your colors' basis. Kids can wear flag emblems or otherwise qualify through the display of red, white and blue.

Cracker Barrel Court

Buffalo. A new angle on the quiz biz, if such a thing is possible, is WGR's Cracker Barrel Court. Questions refer strictly to Buffalo and nearby communities—answers cover local history, street names, office-holders, etc. Judge Cliff Jones presides.

Clubs and social groups are invited to attend airings in a body to heighten the fun. Buffalo Times is sponsor.

Christmas in Other Lands

London. Christmas Day highlight on BBC will be 'Christmas Over the Fron-

tiers, 1938,' which will contrast celebrations in European lands. Moray McLaren and Laurence Gilliam, staff men, are tripping on the Continent to fix things in each country, which will include France, Italy, Germany, Greece and Sweden. Maybe more.

Idea is to let U. K. listeners hear just how Christmas is spent in foreign parts, speakers of each nationality talking of their domestic celebrations, and sections being linked by music, commentary and recordings to give the broadcast semblance of a European tour.

Second Besting Seattle

KVI was credited with some fast work when it gave the dialers the first result of the Al Hostak-Solly Krieger championship fistcuffs battle. With no round by round broadcast permitted, KVI engineers stayed on duty outside of Seattle's auditorium with Jerry Geehan, KVI sportscaster ringside, who dashed to his mike outside as soon as decision made. This was followed up with interviews of the fans as they left the slugfest.

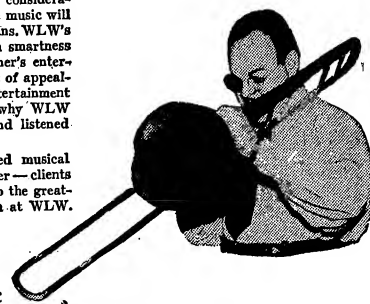
Musically Speaking...



MUSIC at WLW is more than a group of musicians gathered before a microphone, playing stock arrangements. It is a matter given careful consideration and thought to determine whether the music will appeal to listeners or impress other musicians. WLW's musical department is concerned not with smartness or sophistication but primarily with listener's entertainment. That's why WLW music consists of appealing melody rather than tricks... entertainment rather than pedantry. That, too, is why WLW music is so easy to listen to and listened to so much.

Clients seeking sophisticated musical shows can do better elsewhere. However—clients seeking musical shows which will appeal to the greatest possible audience can't do better than at WLW.

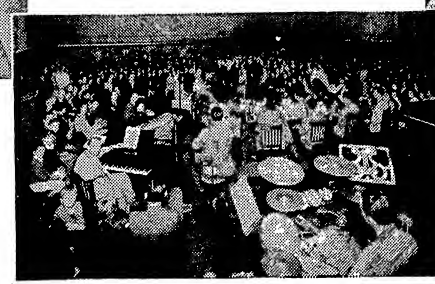
Josef Cherniavsky
WLW's Musical Director



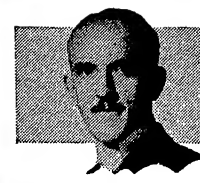
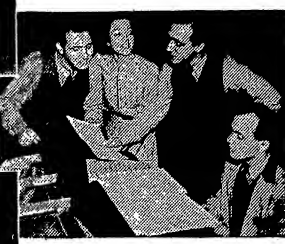
Virginio Marucel (above) concert violinist and WLW conductor, leads his ensemble in such outstanding WLW productions as "Smoke Dreams," "Cafes of Yesterday," "Los Amigos" and others. The DeVore Sisters (below) blend their voices nightly to add charm and appeal to "Moon River," long one of WLW's most popular programs.



Rural Audiences like such old time musical shows as "The Boone County Jamboree" (above), "Top o' the Mornin'," "The Musical Chuck Wagon" and others. (Below) WLW's MUSICAL STEEPLECHASE draws crowds to the studios, listeners to their radios.



Phil Davis (above) trombonist, leads the band on "Avalon Time," and his "Rhythm in Brass" holds the spotlight on "Four Stars Tonight." The Smoothies (below) one of radio's outstanding trios, make "Vocal Varieties" one of radio's outstanding programs. WLW staff members, the Smoothies have contributed much to the success of many of the Nation's Station's productions.



... these things, too,
we think are part
of the story of
WLW

IN BALTIMORE
It's **WLW**
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.
ON THE NBC RED NETWORK

WLW's Musical Department, headed by Josef Cherniavsky, includes 8 conductors, 5 arrangers, 48 staff and spot musicians, 15 vocalists, 13 musical acts. This array of musical talent means that WLW can create any type musical program. WLW's versatility is exemplified by such productions as "Musical Camera," "The Minstrelman," "Sing Time," "Musical Steeplechase," "Melody Grove" and "The WLW Spotlight".

William Stoess (above) assistant WLW Musical Director, is responsible for such hit shows as "Vocal Varieties," "The Flying Dutchman," and others. WLW's 8 conductors include Josef Cherniavsky, William Stoess, Joe Luggar, Umberto Neely, Phil Davis, Jimmy James, Virginio Marucel, and Eugene Perazzo. Grace Claude Ralme, WLW's Vocal Director, is responsible for the high quality of all WLW vocal productions.

SECRET DOCUMENTS, DUMMY CORPS, LAWYERS' GRAVY, ATTACKED BY FCC

McNinch Puts Through Several Basic Reforms—Bar Ass'n Gets Part, Not All, of What It Sought—No Publicity Shield on Offside Plays

Washington, Nov. 29. Reforms in administrative procedure and legal practice were decreed by the Federal Communications Commission Monday (28) in new set of rules designed to break up alleged monopoly of radio attorneys and standardize handling of applications. Tighter control over operations is sought in the revised code, which adopts only a few of the more significant recommendations of the Federal Communications Bar Association.

Removal of the veil of secrecy from documents is one of the outstanding accomplishments of the revision, although attorneys could not agree after scanning the code whether the new rules go as far as many had hoped. In the future, any papers made part of an application

and filed with it will be open for examination, a substantial departure from the custom in effect for several years under which certain subordinates refused to allow inspection of contracts for sale of stations and supplemental correspondence elaborating on the answers to questions in the official blanks.

Two moves were made to break the toe-hold of a limited number of barristers on the business of representing applicants before the FCC. Liberalization of the old 'two-year-rule,' which prevented government lawyers from entering private practice, and attempt to follow the new rules of civil procedure effective in Federal courts were said by the commission to be designed to enlarge the number of practicing attorneys. Under the rewritten two-year-rule, no commission member, officer or employee may appear in connection with a matter with which he was concerned while attached to the

regulatory agency. No discouragement to his practicing in other cases in which he has no inside knowledge, however.

McNinch Statement

Admitting the old rule was intended to protect the FCC and the public, Chairman Frank R. McNinch declared it has not worked satisfactorily. Instead it operated to the detriment of the interests of all concerned, and 'its principal effect has been to restrict the number of attorneys actively practicing before us, particularly in broadcast matters, so that a small group familiar with the special rules of the commission has obtained something of a monopoly of the practice, due to the terms of the rule itself. This is plainly unjust to clients, other attorneys and the commission itself.

'More than 600 cases are set for hearing by the Commission annually and there are hundreds of other cases in which attorneys represent clients. An unduly large proportion of these cases are handled by a relatively small number of lawyers. By making it easier for attorney to turn from Federal court practice to Commission practice, and by providing for new blood to be drawn from the

past and present staff of the Commission, as many of the attorneys now appearing before the Commission were drawn, the new rule should result in a wider choice of attorneys and freer competition.'

Self-Reg' Spurred

Chief setback for the Bar Association was refusal to accept suggestion that the lawyers police themselves. Commission shelved request that complaints of misconduct be referred to its grievance committee for investigation, but did amend the present regulations to provide an intermediate type of punishment, censure and reprimand.

Another instance where the FCC declined to follow the barristers' advice was in continuing, with minor changes, the rule which allows persons presiding over hearings to hold the record open for submission of documentary evidence after formal testimony-taking is finished.

Lawyers won a material victory when the Commission went along on most of their suggestions dealing with creation of a motions docket. This step, long agitated by the practitioners, is expected to speed operations, by enabling either an individual Commissioner or a designated subordinate to pass on requests for continuances, etc.

Other features of the new code are:

1. Applications may be amended or dismissed until designated for hearing. After that date by Commission consent, either with or without prejudice according to amount of inconvenience caused. Formerly changes or withdrawals were permitted up to 30 days before the hearing.

2. Unsigned pleadings, or those intended to obstruct, may result in disciplinary action against attorneys. Punishment also will be meted out if documents contain 'scandalous or indecent matter.'

3. Corporations must be represented by hired attorneys.

4. Rehearing provisions have been broadened, while individuals objecting to the granting of application without hearing will be forced to ask the Commission to reconsider its action instead of being able to file protest leading to automatic hearings.

5. Tighter provisions against repetitious and multiple applications. Henceforth no request denied or dismissed with prejudice can be renewed within one year. Only one application for facilities of the same general character or in the same area can be presented at one time.

6. Applications must be specific as to facilities, showing location as well as frequency and power. No alternative pleas permitted.

7. True party at interest must be disclosed, a clause intended to stamp out the practice of creating dummy corporations and then revealing the real promoter at the hearing or asking permission to transfer facilities after favorable action has been taken.

MAN-AND-WIFE DEPT.

Hal James-Florence Sperl Do a Hummert at Compton

New York agency field will soon have another man-and-wife team running a radio department. Hal E. James, program manager at Compton, and his wife, nee Florence K. Sperl, are due back from their honeymoon Dec. 12. She continues as casting director. They married last Wednesday (23) and left for a two-week stay in Porto Rico.

Other alliance of somewhat similar implications is that prevailing at Blackett - Sample - Hummert, Inc. Frank Hummert and Mrs. Hummert (Anne Ashenhurst), share the masterminding of that agency's radio output. Only in this case they're also their own bosses.

KVI Tops Merge

Seattle, Nov. 29. Mrs. Vernice Boulianne, president, and Earl T. Irwin, commercial manager, of station KVI, were married Thursday (24) at Vancouver, Wash. Irwin only recently came to KVI from the Free & Peters office in Chicago.

Wilson Off NBC

Hollywood, Nov. 29. Meredith Wilson, Coast musical director for NBC since 1932, has resigned to devote his full time to two commercials over which he presides with the balon. Shows are Metro's 'Good News' and 'Signal Carnival,' latter a coaster.

Frank Hodek, conducting the chain's Hollywood music, may move into the vacated berth.

Loft Musical Dramas

Written by Chas. Burton

Loft, Inc., will debut a weekly dramatic-musical program running a half-hour, on WOR, Newark, next Wednesday (7). It's been tentatively labeled 'Jennie Loft of Sweetbriar Manor.'

Charles Burton will do the scripting and production for B. Charles-Dean Co., and the cast will include Ethel Everett, Al Tyler, Blanche Vincent, Helen York, Delphine Tyner, Jack Freeman, Morton Dennis, Tenor Clark and Bill Aubin.

Mull Guild's Starters

Screen Actors Guild and Young & Rubicam are culing the list of the SAG's membership for the cast of the initial show which goes into the Gulf Redding spot on CBS Jan. 8.

Choices have been checked, but nothing in the way of film names has been set.

JIM COX TO WKY

Lincoln, Nov. 29.

Jim Cox, continuity chief at KFAB-KFOR for the last year, goes to WKY, Oklahoma City, Dec. 8. Follows John Shafer, formerly KFOR program director, who switched earlier in the year to head WKY sports and special events.

No one named here yet to replace him. Marge Thomas is senior in the department.

KYW Has 2 Bands Pro-Tem

Philadelphia, Nov. 29.

KYW, NBC-operated outlet here, is now in the unique position of having two different house bands on the net. Its regular studio crew, known as the 'Top Hatters,' is playing at the Arcadia-International nitery, doubling into the Earle theatre for a week. It will then return to the Arcadia for two weeks prior to resuming at the station. It is airing nightly, however, on the web from the Arcadia.

Meantime, a temporary replacement band is subbing at the outlet and is feeding to the web three times weekly under direction of Nathan Snader.



State and national corn-husking championships were seen by millions of middlewesterners through the eyes of WOW's Foster May. Eleven members of WOW's staff covered the national contest near Sioux Falls recently.

WOW covers the rich Iowa-Nebraska corn belt—the radio capital of "Nebraska."

WOW
OMAHA, NEBRASKA
590 KC 5,000 Watts
JOHN J. GILLIN, Jr., Mgr.
JOHN BLAIR CO., Representatives
Owned and Operated by the
Woodmen of the World Life
Insurance Society
ON THE NBC RED NETWORK



RADIO ATTRACTIONS
INCORPORATED

PRESENTS AS ITS FIRST RELEASE FOR 1939

Sax Rohmer's

The Shadow of FU MANCHU

A FIELDS BROTHERS PRODUCTION

BRINGING TO RADIO:

1. This superb dramatization of the thrilling exploits of fiction's famous character, the amazing FU MANCHU.
2. An awaiting audience of over 25,000,000 persons who, since 1914, have paid to follow the adventures of FU MANCHU.

MAGAZINES

Adventures of FU MANCHU have been featured in Colliers since 1914.

BOOKS

Millions have followed FU MANCHU through "best sellers" published by Doubleday Doran.

SCREEN

Movie fans everywhere have thrilled to "hit" films produced by MGM and Paramount Pictures.

STAGE

The success of FU MANCHU plays has increased his legion of followers.

Gala Trade Preview
Waldorf-Astoria
December Seventh

Recorded
for
Spot Release

To be released in
January
in seventeen Eastern states

RADIO ATTRACTIONS
INCORPORATED

RKO BUILDING

RADIO CITY

NEW YORK

Agencies-Sponsors

Electrical appliances for Christmas gifts will be stressed in a three-week spot announcement campaign to be conducted over a score of Northern California stations starting Dec. 1 by the Electrical Appliance Society of Northern California, through the Jean Scott Frickelton agency, San Francisco. Total of 350 announcements will be used.

General Shaver Corp. of Bridgeport, Conn. (electric shavers), through B.B.D.&O., spotting night chain break announcements over four-week period on KSFO, San Francisco.

Coca Cola Bottling Co., St. Louis, through D'Arcy Advertising Co., has renewed for 52 weeks its transcribed 'Singing Sam' quarter-hour aired week days on KSFO, San Francisco. Other KSFO renewals are Duart's 'Who's Listening,' and Eopa Home Remedies' 'Morning Melodies,' both transcribed semi-weekly quarter-hour features. Erwin Wasey, San Francisco, handles both accounts.

Bathasweet Corp. (bath salts), after a two-week test campaign over KPO, San Francisco, which pulled an average of more than 1,000 requests for each of six broadcasts in which samples of Bathasweet were offered, has signed a one-year contract to sponsor newscasts by Bob Andersen three mornings a week. Agency is H. M. Kiesewetter.

Hevenor Agency of Albany has taken time on WGY, Schenectady; WSYR, Syracuse, and WJTN, Jamestown, for a series of five-minute dramatizations waxed by Harry S. Goodman, New York, and aired under title, 'Life's Emergencies,' for 'Uptate Personal Loan Corporation. Originally, agency used live talent for skits on WGY and later included WOKO, Albany.

MILWAUKEE NEW BIZ

Remington-Rand Co., New York, advertising Remington Shaver, 13, station breaks, Batten, Barton, Durstine & Osborn, Inc., New York, WTMJ.

Cook Chocolate Co., Chicago, advertising chocolate and coconuts, 26 spots; Rotter Baking Co., Milwaukee, advertising bread, 26 spots, Allen Rieselbach Agency, Milwaukee, WTMJ.

Roundy, Peckham & Dexter, advertising canned foods, 167 spots, Neisser-Meyerhoff, Milwaukee, WTMJ and WISN.

German Kline Theatre, 13 spots; Raab Motor Co., 52 spots; Wisconsin Dye Works, 13 spots, WTMJ.

Gimbel Dept. Store, 15-minute programs, 'Adventures of Gimble and Ellie,' to run until Xmas; Ivory Snow, night spots for six weeks, Compton Agency & Lincoln Simonds of International Radio Sales, Inc., WISN.

P & G Crisco, one-minute transcriptions five times weekly, Lincoln Simonds of IRS, WISN.

Kovak Silks, announcements; Fliescher Knitting Mills, announcements, A. L. Zimmer, WISN.

Mil. Dairy Council, 90 announcements for Dec.; Liebenow's Food Products, announcements, Frank Effinger Agency, WISN.

Reel's announcements; A. B. C. Washers and Ironers, 28 station breaks; Lever Bros. Co., cut-in announcements, Dick Shireman, WISN.

Amerleau Popcorn Co., Sioux City, Iowa (Jolly Time Popcorn), through Coolidge Agency, Des Moines, signed with KYA, San Francisco.

cisco, for five-minute weekly program over one-year period.

Zerbst Pharmaceutical Co., St. Joseph Mo. (proprietary) through Barrons, Kansas City, spotting six announcements weekly on KYA, San Francisco.

Feltman & Curme Shoe Stores, Inc., has inked a one-year contract with KGO, San Francisco, to sponsor a quarter-hour portion of the Musical Clock program conducted by Will Aubrey six mornings weekly.

W. I. Addis Co., Syracuse women's clothiers sponsoring WFBL's three time weekly Memory Lane with tenor Jack Curren and Thelma Jean McNeil, Hammond organist.

WNBC, NEW BRITAIN GOES ON BLUE DEC. 4

New Britain, Conn., Nov. 29. It's WNBC of NBC as blue net adds New Britain's 1380-kilocycle next Sunday (4). Station last week started full-time operations with 1000 watts days and 250 nights, is second blue link in Connecticut, other being John Shepard's WICC of Bridgeport and New Haven.

Expansion of three-year-old exhaler to two-city coverage comes soon after mid-December with opening of branch in Hartford. This will give juicy Hartford zone four stations and access to all major chains and regionals—WTIC, NBC-red and Yankee, WDRB, CBS, WTHH, Mutual and Colonial; and WNBC, NBC-blue.

Radio Daffodils

Houston—Ted Nabors, the Dr. I. Q. of Radio Station KTRH, won exemption from jury service last week because the judge was a radio fan.

Syracuse—Enoch Squires, WFBL newscaster, interviewed owners of a turkey farm near here and put some of the turkeys on the air to illustrate different versions of the turkey gobble.

Buffalo—Clayton Merlihan, who conducts weekly broadcast for Erie County Medical Society, is going to have a transcribed heartbeat as part of his show Friday on WKBW. Sports Announcer Sig Smith is supplying the heart. Part of the stunt will be to give Sig (who doesn't smoke) a cigaret to show the difference, if any, between the heartbeat before smoking and after. Theme song, of course, will be 'What Goes On Here in My Heart?'

Take them in any order you please—
Only NBC Blue Offers All These!

Choice
OF BEST TIME TO BROADCAST
—NBC BLUE

High Percent
OF REGULAR LISTENERS
—NBC BLUE

Lowest Cost
PER LISTENING FAMILY
OFFERED BY ANY NETWORK*
—NBC BLUE

*To provide a wider opportunity for advertisers who want national coverage, the NBC Blue has set up an economy discount schedule. You can now buy the splendid Basic Blue Network plus valuable supplementaries, at rates that permit coast-to-coast coverage for very little more than the cost of the Basic alone. Our nearest NBC office will be glad to give you the whole story. *Better Buy Blue!*



Results
CFCF
MONTREAL
NBC

WEED & COMPANY

RADIO STATION REPRESENTATIVES
NEW YORK • CHICAGO
DETROIT • SAN FRANCISCO

BRENEMAN TO LONG; FLEMING TO KSFO

San Francisco, Nov. 29. Tom Breneman has resigned from the local staff of CBS to join the Long Advertising Service here. Breneman, who was the local program director for CBS has been replaced by Van Fleming, formerly of NBC and more recently with Emil Brischner & Staff.

Breneman will continue to emcee the Marco dog food show which the Long agency handles on KSFO, CBS outlet, and Fleming will continue to produce the S & W 'I Want a Divorce' dramas for Brischner on CBS.

KQV Gets Power Boost

Pittsburgh, Nov. 29. FCC last week authorized KQV here to increase both its power and operation time. Station, which has been going out on 500 watts, was given permission to use 1 kilowatt, and it may also run on an unlimited time basis, instead of sharing hours with WSMK.

For last few years, KQV has been signing off at 8 p.m. Running now until 1 a.m. Station is owned by management of WJAS, local CBS outlet, both being quartered in same studio.

Snader Pro Tems at KYW

Philadelphia, Nov. 29. Nathan Snader, who has been substituting as musical director at KYW in absence of Jan Savitt, was named this week to Savitt's post. Savitt and his 'Top Hatters' are appearing at the Earle theatre this week and on Friday (2) return to the Arcadia-International nitery, where they have been working for the past three weeks. Following the Arcadia engagement they go on a tour of New England, returning to KYW in January, when Savitt will once more resume as musical director.

Snader was first fiddler in the KYW band. He had previously been assistant concert master of the Washington symph.

Youth, Beauty,
H-A-R-M-O-N-Y

**DANDRIDGE
SISTERS**

COTTON CLUB
NEW YORK

Management
JOE GLASER, Inc.

RKO Bldg., Radio City, New York

WBAL

means business
in Baltimore

'THE O'NEILLS'

By JANE WEST

NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap 99% pure

LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P.M. EST
CBS - WABC - 2:15 to 2:30 P.M. EST

IN COAST TO COAST

DR. COMPTON ADVERTISING AGENCY
MGT., ED WOLF-RKO BLDG., NEW YORK CITY

F. C. C.'s WASHINGTON DOCKET

MAJOR DECISIONS

Washington, Nov. 29. Massachusetts: Renewal of license for high-frequency broadcast station WJLB, New Bedford, owned by the Commonwealth when E. Anthony & Sons, Inc., licensee, proved that its program of research and experimentation had been generally satisfactory and that it had definite plans for further experimentation costing between \$5,000 and \$10,000. Although reports filed by the applicant were termed 'too general to comply with Rule 105d,' Commission found that station's service had been meritorious. Transmitter has specialized in experiments to determine the coverage of a station using the frequencies 31600, 35600, 38500 and 41000 kc, experimentally assigned to WJLB. Applicant also owns WJNB, New Bedford.

Arthur W. Scharf, Philip G. Loucks and Joseph F. Zias represented WJLB.

Texas: Order to overrule and deny petitions of El Paso Broadcasting Co., El Paso, KGBL, Inc., and the Tribune Co. (Tampa, Fla.), for rehearing on their requests for construction permits issued by T. J. Slowe, Commission secretary. While commission backed down on the Company's charge that the second ground for the FCC decision was 'not supported by sufficient findings of fact' and ordered the challenged paragraph stricken, three pleas were tossed out.

Upon further consideration of the record, Commission found that the Tribune Co. ground 'is meritorious, in that the second ground for its decision is not supported by sufficient findings of fact appearing in the Statements of Facts. Grounds for Decision, and Order, and that there is no sufficient evidence in the record to support said Ground for Decision.

The Commission further finds that the second ground for its decision must, therefore, be stricken, but that its order denying this application shall be affirmed.

Applicants in question had been involved in squabble over the 540 kc frequency, each requesting a station on that ribbon.

MINOR DECISIONS

Alabama: WBHF, Wilton Harvey Pollard, Huntsville, present license expired. Pending action on renewal application, in no event later than Jan. 1, WJRD, James R. Does, Jr., Tusculoo, granted renewal of license on temporary basis only, subject to Commission action on pending renewal application.

Alaska: KGBU, Ketchikan, present license extended on temporary basis pending determination on application for renewal, in no event later than Jan. 1.

Arizona: Copper Electric Co., Inc., Lowell, granted new experimental relay broadcast station to be operated on 31100, 34500, 37500 and 40500 kc conditionally, on experimental basis only with watts.

California: KJLH, Watsonville, license extended on temporary basis only, pending determination on renewal application, in no event later than Jan. 1.

Connecticut: WABR, Waterbury, license extended temporarily pending receipt of and determination on application for renewal, in no event later than Jan. 1.

Florida: WFTM, West Palm Beach, and WLAK, Lakeland, licenses extended on temporary basis only, pending receipt of and determination upon applications for renewal, in no event later than Jan. 1.

Illinois: WCRW, Chicago, license extended on temporary basis only, pending determination on application for renewal, in no event later than Jan. 1.

Iowa: KGCA, Charles Walter Greenleaf, Decorah, granted extension of special temporary authority to remain silent for 22 days, pending arrangements and filing of an application to move station.

Louisiana: WBZY, Charles C. Carlson, New Orleans, granted renewal of license on temporary basis only, pending receipt of and determination on application to whatever action may be taken by Commission on pending renewal application.

Massachusetts: WBKR, Pittsfield, license extended on temporary basis, pending receipt of and determination on application for renewal, in no event later than Jan. 1.

Minnesota: KJZZ, Charles L. Jaren, Fergus Falls, granted renewal of license on temporary basis only on express condition that it is subject to whatever action taken by Commission on the pending application for renewal.

Mississippi: WQCM, Mississippi City, license extended on a temporary basis only, pending receipt of and determination on applications for renewal, in no event later than Jan. 1.

WQCB, Vicksburg, present license further extended temporarily, pending receipt of and determination on application for renewal, in no event later than Jan. 1.

Montana: KPFA, Helena, license extended on a temporary basis only, pending receipt of and determination of renewal application, in no event later than Jan. 1.

New York: WVEW, Paramount Broadcasting Corp., Brook-

WOV CURBS BLURBS

Not Over 20% of Time Can Be Used for Commercial

Foreign language station WOV, N. Y., will after January 1 limit all announcements on commercial programs. New ruling stipulates that only 20% of broadcast time may be devoted to announcements. Heretofore splicing tended to run riot, as with majority of foreign stations.

Effective in same date, spot announcements will be limited to 20 seconds. Card rate of \$7.50 per spot will prevail with no discounts allowed for quantity.

Manhattan Soap renewed Norman Nesbitt's newscast on KHJ (Los Angeles) for another 13 weeks. Sweetheart soap is plugged.

Vertical Unionization Pends at Philadelphia Station Through ACA

Philadelphia, Nov. 29. American Communications Association, CIO, negotiating contracts for engineers in the three outlets here and for the entire staff in another. Terms for the panelmen are under discussion for renewal at WFIL, WJBG and WIP. WFIL's old contract has already expired and the new one is expected to be inked later this week.

Industrial-type pact to cover all employees—except knob-twisters, who have a contract of their own—is being negotiated at WIP. All the station employees, including everything from janitors to phone operator, are CIO members. With the expiration of the announcers' contract, ACA is negotiating the new one to take in the other employees,

STARK, LOYSEN OFF WHAM

Rochester, N. Y., Nov. 29. Lew Stark and Ken Lowsen, announcers, have resigned from WHAM staff. Stark, who was chief announcer and director of educational programs, becomes a partner in Ad Art Products, newly-organized firm. He had been with WHAM 11 years. Lowsen, tenor singer and staff traffic manager, joined station eight years ago.

Homer Bliss, realty salesman and announcer on the Realty Hour program, joins WHAM as full-time announcer. Tom Murray takes over traffic manager duties and Studio Manager Jack Lee handling Stark's duties temporarily.

Lester Linsk heads radio department of A & S Lyons, in Hollywood, to move over from Rockwell-O'Keefe.

lyn, present license further extended on temporary basis, pending receipt of and determination on application for renewal, in no event later than Jan. 1.

WMBG, Auburn, granted renewal of license on temporary basis only, subject to whatever action may be taken upon applications of this station for renewal of license and transfer of control.

Ohio: WBLT, Lima, license extended on temporary basis only, subject to whatever action may be taken upon applications of this station for renewal of license and transfer of control.

Oklahoma: WBBZ, Adelaide Lillian Carroll, representative of Charles Lewis Carroll, deceased, Ponce City, Oklahoma, granted renewal of license on temporary basis only, subject to whatever action may be taken by Commission on pending application of WBBZ, Ponce City, for renewal and consent to assignment of license.

South Carolina: WOLS, O. Lee Stone, Florence, granted renewal of license on temporary basis, subject to whatever action may be taken on pending application for renewal of license and on application of Pee Dee Broadcasting Company, Florence, for renewal of license.

South Dakota: KUSD, University of South Dakota, Vermillion, present license further extended on temporary basis, subject to whatever action may be taken on application for renewal, in no event later than Jan. 1.

Texas: Beaumont Broadcasting Association, Beaumont, granted new experimental relay broadcast station to be operated on 38900, 39100, 39300 and 39500 kc on an experimental basis only conditionally, with 2 watts.

SET FOR HEARING

Alabama: WMBD, Estelle F. Chapman and Everett L. Chapman, Sheffield, transfer of control of the Muscle Shoals Broadcasting Co., licensee of WMBD, to W. M. Laddison.

Illinois: A. C. Crensen, doing business as Elgin Broadcasting Station, Elgin, new station to be operated on 1600 kc with 100 watts days only; W3XAA, Chicago, Federation of Labor, Chicago, voluntary assignment of license to Radio Station.

Indiana: Vincennes Newspapers, Inc., Vincennes, new station to be operated on 1420 kc with 100 watts.

Minnesota: WGLN, St. George, W. Young, Minneapolis, licensee of WGLN, St. George, W. Young, Minneapolis, to change time of operation from 11:00 a.m. to 11:00 p.m. and to 100 watts nights, 250 watts days.

Mississippi: WABR, Waterbury, make changes in transmitting equipment and increase power from 100 watts days only to 100 watts nights, 250 watts days.

Montana: WJLH, Helena, make changes in equipment and increase power from 500 watts to 10 kw, A-3 emission.

Virginia: WGH, James W. Baldwin, Newport News, transfer of control of the National Road Broadcasting Corp., licensee of WGH, to the Daily Press, Inc.

NEW APPLICATIONS

Florida: St. Petersburg Chamber of Commerce, St. Petersburg, new relay broadcast station (experimental), to be operated on 21100, 24500, 37500 and 40500 kc, with 2 kw, using d.

Illinois: WGAN, Northwestern Publishing Co., Danville, change hours of operation from days to unlimited, power from 100 watts to 100 watts nights, 250 watts days.

Kansas: WREN, Lawrence, install directional antenna for night use, move transmitter locally.

Massachusetts: WABR, Waterbury, City authority to transfer control of corporation from James E. Davidson to Harley D. Post, 232 shares common stock.

Minnesota: WJLH, Helena, Raleigh, authority to transfer control of corporation from H. E. Satterfield and E. O. Marshall, to A. P. Fletcher, 56 shares common stock, and permission to install new transmitting equipment.

Ohio: The Crosley Radio Corp., blanket request to change corporate name to The Crosley Corp. in a dozen applications from Cincinnati.

Pennsylvania: W3XPH, KQV Broadcasting Co., Pittsburgh, equipment changes reduced power to 2 watts; WFBG, Galbe Broadcasting Co., Altoona, license to increase hours of operation from sharing with WJAC, Johnstown, to unlimited (contingent on WJAC's application for unlimited time).

Texas: KJZZ, Charles L. Jaren, Fergus Falls, hours of operation from days to unlimited, with 100 watts nights, 250 watts days, and make equipment changes; WACO, KTSA Broadcasting Co., Waco, voluntary assignment of license to Frontier Broadcasting Co., Inc.

Vermont: WCAK, Burlington Daily News, Inc., Burlington, voluntary assignment of license from Burlington Daily News, Inc., to Vermont Broadcasting Corp.

Buffalo, Nov. 29. Parade of newspapermen to the microphones continues here. Carl (Argus) Wall, who conducts a chatter column on The Times, is now doing two 15-minute spots a week on WGR. Cecil Gask, writer of an international roundup pillar in the News called 'The World Today' does a bi-weekly air version over WGBR.

Charlie Bailey, Times sports writer, does between rounds comment on all the amateur fights on WGR and subs for Sportscaster Roger Baker whenever latter is away as, for instance, during the forthcoming New Orleans baseball pary.

Joe Cummings, news and sports editor of the Times is doing sports chatter on WKBW; Joe Wesp, assistant city editor of the News is WBBN's Ironie Reporter; Lance Zavitz, News editorial writer, does a broadcast 'Week in Review' for WBBR; WBBN commentators Bill Pitts and Cy Wadsworth, veteran newsmen, and Roy Albertson, WBBN chief, is a former political reporter.

Buffalo Newspapermen Break Out Verbally On Radio

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Charlie Bailey, Times sports writer, does between rounds comment on all the amateur fights on WGR and subs for Sportscaster Roger Baker whenever latter is away as, for instance, during the forthcoming New Orleans baseball pary.

FRED RIPLEY TO TOP WTRY, TROY, STAFF

Troy, N. Y., Nov. 29. WTRY, Troy's first commercial, will establish two studios and business offices in the Proctor theatre building. As one of the station group controlled by Harry C. Wilder, WTRY will operate between 7 a.m. and 6 p.m., with Fred Ripley, now W.D. and commercial manager of WSYR, as general manager.

Construction of the station is being held up pending decision by the Federal Communications Commission on the application of WOKO and WABY, Albany, and WCHS, Portland, Me., for a rehearing of the WTRY assignment. Wilder has Dr. James L. Meader, president of Russell Sage Women's College, in on his Troy venture as a stockholder and the station's educational setup.

Yellow Cab's Ballyhoo

San Francisco, Nov. 29. Sponsorship of Mutual's 'Famous Jury Trails' by Yellow Cab of California on stations KFRC here and KJL in Los Angeles is being plugged in display ads, cab stickers and leaflets. The ads are being placed in six bay region dailies and five papers in Los Angeles and Hollywood on the day of the broadcast, Wednesday. The stickers are spotted on the division glass behind the driver in cabs in the vicinity of the two stations. Some 85,000 copies of a leaflet calling attention to the weekly program are being distributed to homes.

Yellow Cab has signed for 26 weeks, through the Rufus Rhoades agency here. 'Famous Jury Trails' originates in Mutual's New York studios and is available for cooperative sponsorship.

Another Negro Show

Philadelphia, Nov. 29. More aiming at colored patronage taking place here with start of another Negro show on WPN. Sponsored by Parisian Tailoring Co., it is a revue with all Negro talent and a swing band made up of Negro kids. Aired on Sundays, WDAS also making a bid for the colored audience with a whole string of shows pointed that way.

WWL Now at 50 Kw.

New Orleans, Nov. 29. WWL, owned and operated by Loyola University increased its power Sunday (28) from 10,000 to 50,000 watts.

CBS will dedicate special program over coast-to-coast web on Nov. 30.

CHEZ PAREE, CHICAGO

Mgt. LOU CLAYTON

THE Smoothies

BABS CHARLIE LITTLE

TUMS VOCAL VARIETIES

WLW and NBC Red
Tues-Thurs., 7:15 P.M. EST

AVOLON CIGARETTES

WLW and NBC Red
Saturday, 7 to 7:30 P.M. EST
EVERY OTHER WEEK

HARRY SOSNIK...

... MUSICAL DIRECTOR ...

CHARLES BOYER—WOODBURY PLAYHOUSE

(ORIGINAL SCORE)

Sundays—9 P.M. EST—**NBC**

JOE E. BROWN—POST TOASTIES

Saturdays—7:30 P.M. EST—**CBS**

MANAGEMENT MCA

RADIO'S COLLECTORS' ITEMS

RECORDINGS OF TOPICAL EVENTS

**It's an Expensive Hobby
and Some Discs Are Very
Hard to Buy Because
They Violate Copyright**

TOSCANINI TOPS

With radio rapidly becoming a vital factor in everyday life as well as a medium of entertainment, a new and growing hobby is the collection of recordings of noteworthy broadcasts. Main drawbacks to the spread of the fad is the expense involved and the difficulty of obtaining the recordings. Such collecting is at present limited principally to insiders.

Among the notable broadcasts that provide collectors' items are the recent Mars invasion dramatization by Orson Welles, King Edward VIII's abdication, the Hindenberg Zeppelin explosion, Anthony Eden's address at the English Speaking Union meeting, last year's Ohio River flood and the New England hurricane. Others include descriptions of various sporting events, such as prizefights, football games, tennis matches, world series contests, etc. Also there are many specialized musical programs, including NBC's Toscanini series, the CBS airings of the Sunday afternoon Philharmonic orchestra concerts, Paderewski's recent piano recital from Lausanne and the Saturday afternoon Metropolitan Opera performances, as well as various hot swing selections and noteworthy arrangements of popular tunes by name bands.

In the Trade

Extent of such collecting is still limited to a small circle, but has been growing lately. As a rule most of those doing the collecting are broadcast officials and performers. That does not take into consideration the performers who obtain recordings of their own programs to correct possible errors or to use as demonstrations of their work, but refers merely to those who collect transcriptions to play in their homes for guests or other purely social reasons.

In general, recordings of broadcasts are expensive, running anywhere from \$10 for a 15-minute broadcast up to cases of bootlegged or pirated recordings of big-name concert organizations, such as the NBC symphony, the Philharmonic and the Metropolitan Opera, the platters are exceptionally high priced and difficult for the uninitiated to obtain. Reason is that the selling of such recordings is contrary to copyright law and might be liable to heavy penalty. In general, therefore, only small fly-by-night outfits are engaged in the business and they operate very much on the sneak. Only a limited number of persons well known to such operators can obtain the transcriptions, even at the steep prices.

In the case of swing and similar

Don't Do It Again

Buffalo, Nov. 29.

A local announcer (who shall be nameless here) was given his two-weeks notice for missing a standby during a football game. After a week had gone by, execs decided to reconsider the case and went into a huddle to weigh the speller's faults and virtues. Payoff was that the announcer was so worried over the outcome of the conference that he paced up and down the hall—and missed another standby.

He was reinstated anyhow.

to be that owned by Ted Husing. It includes every one of his sports broadcasts of recent seasons, including grid games, horse races, track meets, tennis matches, ball games. Spieler first studies each recording to note and correct his mistakes, then puts it in his home library for possible later social use.

Add: Radio Renewals

Kate Smith program has renewed Abbott and Costello and Ezra Stone's 'Henry Aldrich' comedy series for another 13 weeks. Another 13-week renewal is Agnes Ridgeway's 'Those We Love' series for Pond's, with Nan Grey.

Morris office agented all three.

Robinson Returns to WLW

Cincinnati, Nov. 29.

Bill Robinson rejoined the Crosley fold last week as a salesman for WSAI, replacing Major Harrison.

Since leaving here six years ago, as a member of the WLW program department, Robinson was on the big staffs of stations in Wichita, Denver and Fort Worth.

City-Owned Station Repeats Own Version of a Rocket Invasion

Jam that CBS got itself into over its use of the news bulletin technique in the broadcast of H. G. Wells' 'War of the Worlds' apparently meant nothing to the producers of a sketch on WNYC, New York's municipally-owned station, last Saturday afternoon (28). The latter adopted the same device of studding the dramatic narrative with news flashes, with one of them going so far as to state that the 'president and his cabinet are in special session; we urge you to stay calm.' The announcer also told about suicides taking place all over the country.

Theme of WNYC's program was similar. It dealt with the havoc caused by an attack by rocketmen from the planet Mars. Production of the stanza, tagged 'The Story of

the Rocket,' was credited to the station's Experimental Playhouse.

Cuban Encore on Mars

Havana, Nov. 29.

H. G. Wells' 'The War of the Worlds' may start another war in Cuba's broadcasting world unless CMBC and CMK can get together on which one should broadcast its version of the script. Each outlet has been advertising for over a week that it will air the big boo program as soon as the proper sound effects have arrived from the United States. Cuban stations heretofore have not gone in heavily on sound effects.

Myron McCormick, legit player, is now a regular on Procter & Gamble's new daily serial, 'Central City,' over NBC blue.



"The St. Louis Zone of Radio Influence"

Many of you have received KWK's booklet, "It's About Time". Extra requests for it have required a second printing. Now, KWK is mailing—"The St. Louis Zone of Radio Influence". As "It's About Time" presented an original analysis of Metropolitan Audiences so "The St. Louis Zone of Radio Influence" is original and constructive with Coverage Evaluation.

Some may think it presumptuous that a single station originate standards. Truth in a business world is never discovered as a hole in one. Many must shoot at it and they must stand on different tees.

Radio is between two ports. It will remain there until an acceptable system of reckoning emerges. It would be good to be told that KWK has brightened the middle passage.

Requests for "It's About Time" will be filled as soon as possible. In the meantime write for "The St. Louis Zone of Radio Influence."

5000 Day 1000 Night

WBNS

Columbus

ALL YOU
NEED IN
CENTRAL OHIO

John Blair, rep.

KWK

THOMAS PATRICK INCORPORATED
HOTEL CHASE
Representative PAUL H. RAYMER CO.
New York Chicago Saint Louis San Francisco

Chicago Hotel Strike Against \$100 Weekly Radio Service Fee Looks Broken by Edgewater

Chicago, Nov. 29. First break in the solid line of hotels here against planking down \$100 a week as service charge for radio remote control pick-ups is the Edgewater Beach hotel, which has been away from the Hotel Association's stand against radio broadcast and has returned to the ether on WBBM. Edgewater Beach is paying \$100 weekly which the major stations set as the proper fee to reimburse 'em for the expense of wires, engineer and announcer each week.

Originally the hotels had signed to furnish off the air until Jan. 15, which would have made it one year from the date of the split between hotels and stations, but in a quick huddle with Association execs last week the Edgewater Beach hotel made it clear that it would not wait until that date.

Others to Follow?

Rest of the hotels are expected to follow. Expected to clamber on the bandwagon rapidly are the College Inn of the Sherman, Gold Coast room of Drake, Continental room of Stevens and Walnut room of Bismarck. Emptire room of the Palmer House may continue a hold-out due to the general feeling among that hotel's executives that they are giving radio more than their share receiving from radio by providing the transmitter with a name band; and also hotel nitery was aiding to build up reputations for bands which would later come back to the hotel and demand higher wages because of this build-up.

It marks a great break for the music pushers who have been consistently closing down their Chicago offices due to the lack of plug spots in town. But with the hotels reopening to the ether with their top-line orchestras it's Dixie again.

Orchestras also are once more ready to accept hotel dates here. Name bands have been turning down local dates because of the lack of radio wires which they deemed more important than the actual salary attached to the Chicago engagements.

Band Bookings

Michael Zarin, Roney Plaza, Miami Beach, Dec. 24; Lon Chassey, Hollywood Beach hotel, Hollywood, Fla., Dec. 27, for fourth season; also Palm Beach Biltmore hotel for coming winter season; all via Meyer Davis. Carvel Craig out of Chez Paree, Omaha, Neb., Nov. 30.

Carl 'Deacon' Moore, Crystal ballroom, Louisville, Ky., Nov. 30. Commanders, stroller, Monteleone hotel, New Orleans, La., Nov. 30. Lee Shelley, Hollywood Restaurant, N. Y., Dec. 2.

Art Mooney stays at Webster Hall hotel, Detroit, 'till Jan. 3.

Ramona, Muehlebach hotel, Kansas City, Dec. 31, two weeks.

Bill Bardo, Rivoli theatre, Muncie, Ind., Dec. 15.

Seven Gentlemen, Merry Garden ballroom, Chicago, Dec. 3.

Frank Trombauer, Nicolet hotel, Minneapolis, Dec. 31.

Joe Vennuti, Belmont Plaza hotel, N. Y., Dec. 13, eight weeks.

Raphael Font, Netherlands-Plaza hotel, Cincinnati, Dec. 1. Diosa Costello, dancer, accomps.

Larry Clinton makes Vitaphone short in New York, Dec. 21-22; coming in from one-niter tour for Warner date.

Joe Candullo, Village Barn, N. Y., Nov. 28.

Jimmy Dorsey's opening at New Yorker hotel, N. Y., changed from Jan. 24 to 10.

Maurice Sherman, Oriental Gardens, Chicago, Dec. 2, three weeks.

Val Olman signed to Rockwell-Okedeefe office.

Dickie Himer readying tour of Kemp's southern theatre time.

King's Jesters, Commodore Club, Detroit, Dec. 31.

Biltmore Boys, Lamar hotel, Houston, Tex., Dec. 11.

Jimmie Joseph orchestra, Firenze restaurant, N. Y.

Earl Mellen opened two-week engagement at Friday (25) at Bill Green's Casino, Pittsburgh. He'll be followed Dec. 9 by Har Herbeck, who recently closed three-month run at Willows, Pitts, roadhouse.

Band Reviews

'PA' TRESTER'S 'SCREWBALLS'

Park Re, Mpls.

Last winter the Schnickelfritzers, then unknown, took Minneapolis by storm in a second-rate nitery here. Now it's 'Pa' Trester's 'Screwballs' who're the talk of the 'Twin Cities'. Holding forth on one of the lesser neighborhood spots, they are packing 'em in nightly. Like the Schnickelfritzers, they breezed here, too, from a small town, La Crosse, Wis.

It's a six-piece novelty band, which garnishes its musical efforts with good, clean hillbilly clowning and old-time slapstick.

Band runs along more conventional lines than Schnickelfritzers, with whom they're being compared hereabouts. Music is ordinary, but the noisy comedy and the original numbers and arrangements are distinctive. While the crew is limited in numbers, it's still hot enough to suit the most confirmed jitterbugs. Dancers, however, usually stop to watch the scenic side of the act.

Specialty acts are spaced between dances.

'Cleverest and funniest of the 'Screwballs' is a sharp-faced Roy King, whose imitation of John Barrymore singing 'Love in Bloom', in the Bing Crosby manner, and vocal interpretation of 'Lo, the Gentle Night—in Court' put the applause-getters King, with the aid of the other 'Screwballs', also scores with a knockabout number, 'Three Shiftless Drunks'. He does a takeoff on Toscanini directing the band, good for much merriment.

Band's best novelty number is 'Rhapsody in Corn' during which it indulges in wild slapstick that cops laughs.

'Pa' Trester isn't shirt-sleeve sort of spot, like Midway Gardens, where the Schnickelfritzers first gained attention. Located in the midway district of Minneapolis and St. Paul, it's a roomy, attractive spot with modern decorations. Seats several hundred.

Rees.

HARLEM PLAYBOYS (11)

With Baby Briscoe

Apollis, New York

This is the answer to why there aren't many girl bands. Doesn't even have appearance. Music is worse.

Girls are at their none-too-good best when ballading. When they try to swing it's plain sad. Numbers go unidentified but maybe it's for the best, there's so little fidelity.

Miss Briscoe, leader, uses heel twirls and Calowayesque hops in effort to impress. Also changes to white suit to dance and sing. Here, as with her pianist who also tries to sing, is failure.

Hurl.

Leon (brother of Louis) Prima

orch now at 20th Century Tavern,

Philly. Been doing one-niters and working at El Rancho, Chester, Pa.

SEEK \$100,000 FUND

Philly Needs It to Offset Radio Revenue Loss

Philadelphia, Nov. 29. Philly Orch, seeking to raise \$100,000 by contributions as a maintenance fund, has \$83,000 in the poke so far with the end of the campaign about 10 days away. It is expected by Alfred Reginald Allen, manager, to go well over the top.

Gain will be used to write off the deficit. Campaign for funds was necessitated by the loss of the commercial radio contract this year, throwing it 'way off balance. Allen is still seeking a sponsor; hasn't given up hope yet.

Non-Hoofable Band Sued By Ballroom Mgr.

Seattle, Nov. 29.

Freddie Fischer, individually and his organization, the 'Schnickelfritzers' band are named defendants in a \$2,000 damage suit filed in local superior court by John E. Savage of the Trianon ballroom, the town's de luxe where the novelty band played engagement, May 9-21.

Action is novel indeed, Savage claiming that the band was oke for novelty with its bicycle musical honks, etc., but couldn't play danced tunes, so that, he alleges, many patrons had to be given back their dough, and the ballroom had to do heavy advertising after this engagement to lure back the regular customers. The band was paid \$1,660 for the period and the \$2,000 is demanded for loss of 'good will'. Savage says there was 'misrepresentation' that the group was a 'dance band.'

Inside Stuff—Music

Famous Music Corp. and Paramount Pictures yesterday (Tuesday) filed its answer to the infringement suit which Harms, Inc., has brought against them in the N. Y. Federal court in connection with the tune, 'Say My Heart'. The co-defendants stated that the latter song, which was in the film, 'Cocoanut Grove', was an original composition, but that the number, 'Tell Me More', which Harms charged, had been infringed upon; was a lift from other copyrighted works and music in the public domain. The late George Gershwin wrote and published 'Tell Me More' in 1925, while Burton Lane did the melody of 'Say My Heart'. One source cited in the public domain in this country, but a bona fide copyright in most countries of Europe.

With the consent of Harms, Inc., Judge Samuel Mandelbaum in the N. Y. federal court last week granted the request of the Famous Music Corp. that it be shown just wherein the melody of 'Say My Heart' infringes on 'Tell Me More.'

Harms is suing for an accounting of the profits on both the song and the film.

Negotiations for a new songwriters' standard contract may be resumed in another week. Publishing industry gives indication of yielding to the viewpoint of John Schulman, counsel for the Songwriters Protective Association, that the other side prove that it is serious about seeking a solution of the problem by introducing some publishers at the conference table.

Present proposal calls for the appointment of three publishers and three S.P.A. officials to continue the negotiations which so far have been conducted mainly by lawyers and paid executives of the Music Publishers Protective Association.

Music Sales Holding Corp., distributing channel for the Warner Bros. publishing firms, intends to cut out the discounts allowed for 100-copy lots, beginning with the first of 1939.

Combine has come to the realization that the buying edge allowed doesn't further net sales, since the dealers continue to take advantage of their return privileges when they fail to dispose of the entire 100 copies.

Suit brought by Mrs. Mel B. Kaufman, as the executor of the estate of her husband, against the Sam Fox Publishing Co. dated in the N. Y. federal court in two weeks. Action is based on a claim for back royalties. Among the tunes involved are 'Meow', 'Magnolia', 'Stop It' and 'Pack Me Up in Your Heart.'

Max Mayer has acquired the publication and other rights to 15 of Mme. Manx-Zucca's compositions and assigned them to his Paul-Pioneer Publishing Co. He also got the renewal rights.

Numbers include 'The Butcher, the Baker, the Candlestick Maker', 'Two Little Shoes', 'Cry of the Woman' and 'Those Days Gone By.'

COLLEGE RHYTHM

The fourth of a series of articles on college likes and dislikes as regards modern dance music and dance bands.

The writers, staff members of publications at their respective schools, have been asked by VARIETY to give the opinion of the student body as a whole rather than pass personal judgment. Neither has VARIETY given further instructions as to what was to be said or how. These articles appear as the undergraduates have written them, with the expressed opinions being their own.

VARIETY publishes the series to give music men and band leaders a cross-section of current undergraduate opinion on dance music and bands, with the hope that it will be both informative and instructive. For what the college group has to say about dance music is deemed important in the trade.

VASSAR

By Barbara Allen, '39

(Vassar 'Miscellany News')

A smart girl today still likes swing, but can take it or leave it alone. The universal vote for the Princeton orchestra was no longer a 'spaining Goodman—if we could only get him'. There are now also loud calls for Chick Webb's drums, for the straight dansappation of Hal Kemp, and the semi-sweet Crosby.

Most college girls learn their orchestras via radio and yip; try them out in the flesh on the better weekends. The one rule is: it's the band that counts, and nothing else. Ritzy night clubs can rig up all the atmosphere of Arabian nights, or the year 2000, or anything their little promotionist hearts desire, but they won't draw the college crowd unless they offer a top-name leader and his odds.

Here are a few of the yeses and no's in today's bands: Larry Clinton (when he was at the oh so gay International Casino), any emphatic 'yes' unless he's playing his own stuff; Louis Armstrong, 'yes' for the trumpet, 'no' for the rest of his arrangements. B. Goodman, 'yes' for true swing lovers, but there's too much brass in a lot of the arrangements, making them sound pretty crude for the real 'King of Swing', and he does entirely too many straight numbers with little attempt at arrangement of any sort. A first chorus, begin again, second chorus, anyone can do, and Goodman's not much better at it than any local dance band.

College girls have their own pet loves in special features and vocalists—like Fats Waller at the piano, Mildred Bailey's vocals with Red Norvo, Artie Shaw's clarinet. That boy Shaw is coming on fast; he's packing them in these nights, and his records, coming slowly but getting better, are new best sellers.

Most of the real swing gals around here don't care for the slightly sick 'sweet swing' of Kyser, Barron and 'Swing and Sway' Kaye. Too little originality and too much lukewarm sugar music makes all three pretty schmalz.

Vocalists

Aside from the swing angle—which still holds: the center of the stage—there are plenty of 'sweet' vocalists that draw crowds of languishing wenchies around the victrola. Biggest current favorite is Jean Sablon, singer of whimsical French ditties and love songs. He's been imported, now appears regularly on the air and also records for Victor. Maxine Sullivan and Connie Boswell keep high in popularity too.

If a girl with a dig date, yes, a moneyed date, and her own choice of entertainment, can't lead him to the New Yorker for Tommy Dorsey or, say, to the Waldorf for Duke Ellington, she's a little out of it. At this spot she's just as apt to end up at the Roosevelt with Lombardo. Almost all the swing connoisseurs blush to admit they enjoy a straight and simple 'dance orchestra', but as a background for a date that's going off well, conversation and real dancing, Lombardo still can't be beat.

Don't play around with Richard Himber, who keeps getting listed in swing journals somehow. He maybe a Studebaker champion, but he drips as music. The same goes for Duchin, who is slipping badly as a college favorite. His piano is as good as ever, but he can't get away from an old guard, and pretty bad, orchestra.

Growing Faves

Orchestras with growing popularity via good live recordings are Count Basie, Krupa and De Lange. The last, split off from the team of Hudson and De Lange, has been putting out good stuff. And Count Basie draws the nickels in drugstores near the big college campuses.

Xavier Cugat has always had his following, a steady bunch who come back for the insidious rhythm year after year. The really topnotch waxes he's been making for Victor of sultry Cuban music have increased the clique noticeably.

Sidney Bechet, noted by Hugues Panassie of 'Le Jazz Hot' Panassies, as one of the three greatest hot men of all times, still revivals like 'I've Found a New Baby' and 'Maple Leaf Rag' for Victor. He'd be sure to draw weekendend jitterbugs if they could get at him conveniently, but the kids don't know where he plays.

Fewer college girls picking a night spot for a best date these days just follow the crowd. There are still plenty huddling around Goodman, but losing Krupa's one-man show decreased the worshippers a bit. Al Donahue can't get them to the Rainbow Room the way Noble's 'let's-hold-hands' music used to. And these days they like Bunny Berigan ('I Can't Get Started with You') about as well as aristocratic T. Dorsey.

Everyone has his own favorite, but the favorites show more variety than they used to a few years ago, when most bands were judged only as relatively good or bad imitations of Goodman, Dorsey, or, for the other side of the picture, Lombardo.

All of us like to take our swing as art, so most college girls of our ken are rather annoyed than pleased by the flood of 'hot clubs' and 'collegiate swingers' that are just too rah-rah for words. No sloppy arrangements music used to. And these days they like the 'hot' because they're 'hot', and we don't go much for the jitterbug stuff of going wild whenever a trumpet sounds and someone hits a drum in 6/8 time.

But we love the stuff just the same and watch the college crowds in the New York night spots. It may be art, but it certainly is a fast-moving art. (Next week: Penn State)

Phono Network

(Continued from page 27)

osition of free recordings for these same users.

Details of the agreement with the NPN were shrouded in secrecy by the AFM's home office. Weber won't be back from his vacation in California for another month. It was pointed out at the AFM headquarters that the NPN is barred from making its own recordings and that such work must be done by firms holding licenses from the federation.

Similar repercussions on the AFM's action toward the National Phonographic Network is expected from broadcaster sources, since it is understood that the NPN proposes to add various national accounts in addition to liquor business.

John Griffith, head of the NPN,

ran into a snag with the Music Publishers Protective Association several weeks ago when he sought to get a licensing agreement from it. Griffith insisted upon being quoted a price and he was eventually informed that his recordings would have to be treated as transcriptions and that he would have to pay the established transcription fee, which is 25c. per spotting. His answer was that the quotation was not satisfactory.

Griffith's next move was to solicit Tin Pan Alley writers for unpublished and uncopied manuscripts, offering to pay royalties as and when used. He got one such number from Charles Tobias, a high rating member of the American Society of Composers, Authors and Publishers. Tobias later learned that under his contract with the Society he was barred from assigning elsewhere any rights in his works involving public performance for profit.

15 Best Sheet Music Sellers

(Week ending Nov. 26, 1938)

My Reverie	Robbins
Two Sleepy People.....	Famous
All Ashore.....	Shapiro
Heart and Soul.....	Famous
Lambeth Walk.....	Mills
My Own.....	Robbins
I've Got a Pocketful of Dreams.....	Santly
While a Cigarette Was Burning.....	ABC
Summer Souvenirs.....	Bregman
You Must Have Been a Beautiful Baby.....	Remick
Sixty Seconds Got Together.....	Santly
Who Blew Out the Flame?.....	Feist
When I Go A-Dreamin'.....	Lincoln
Mexicali Rose.....	Cole
Change Partners.....	Berlin

* Indicates film musical song.

† Indicates stage production song.
are pops.

Powell, Schuster, Witcup Form Publishing Firm

Teddy Powell, Ira Schuster and Leonard Witcup have formed their own publishing firm. Powell's 'Singing in the Saddle' will be their first release. Powell was Abe Lyman's librarian and Schuster was formerly part of Schuster-Miller, Inc. Threesome will make Harry Tenney's office their headquarters for the time being.

American News' Music Try Waits Until January

American News Co.'s experiment on retailing sheet music through its newspaper, stationery and tobacco store outlets has been put off until the second week in January. Distributor explained to Walter Douglas, chairman of the Music Publishers Protective Association, last week that it would be unwise to undertake any such innovation at this time as the dealers require all available space for the display of Christmas cards, toys and whatnot.

Spots picked for the experiment are those served out of the ANC's Hartford, Conn., branch. It may involve as many as 300 stores.

Placements will start off with 25 song numbers. So as to avoid any charge of favoritism the MPFA itself will select the tunes. These will be based on the lists of best sellers plus scrutiny of the week's compilation of the most played songs.

'ADELINE' CASE VS. WB IS CALLED OFF

Harry Armstrong called off his \$500,000 infringement suit against Warner Bros., and the latter's publishing subsid, M. Witmark & Son, in N. Y. supreme court last week after obtaining a settlement of his claim. Discontinuance occurred just as the case was going to trial.

Armstrong had charged that Warner Bros. had made use of his composition, 'Sweet Adeline,' in a film of the same title without any satisfactory arrangements for him and his co-writer, Richard E. Girard. In writer circles the action was regarded as a test of the right of a producer-controlled publishing house to grant its parent corporation synchronization rights without taking proper care of the authors' rights.

Jack Mills' Operation

Jack Mills, head of Mills Music, Inc., is recovering from an operation performed at Mt. Sinai hospital, N.Y., last Wednesday (23).

It was his appendix.

Nebraska Tells Ballrooms to Consult Own Lawyers on ASCAP Payments

Lincoln, Nov. 29. Deluge of letters from dance operators in Nebraska is hitting the desk of the attorney general here asking the status of the ASCAP test case and what to do about paying assessments for the year being made against them by ASCAP. Nebraska's legislature made ASCAP a violation of laws pertaining to restraint of trade and a combination whose operation is subject to fine of \$5,000 in each instance, but ASCAP filed for an injunction to bring the case to a test, and the injunction was granted.

Attorney general's office has been advising all persons to get in touch with their own attorneys on matter of payment of ASCAP assessments, saying it is not within the scope of the office to advise anyone since the injunction stops them from enforcement of the state law and any move otherwise might be considered contempt of court and prejudicial to the state's case.

Assistant attorney general Barlow Nye said he believed the trial will start sometime in December.

Publishers Must Sue to Stop Phonograph Companies Sales To Coin-Operated Machines

Panassie May Lecture

Philadelphia, Nov. 29. Lecture by Hugues Panassie, French swing expert, has tentatively set for next Monday night (5) in the foyer of the Academy of Music here if sufficient guarantee can be put up. It is being set by Larry Mallory, who is in charge of the 'hot record department' at the H. Royer Smith Co., phonograph dealers here.

Mallory is a personal friend of Panassie and doing the thing strictly on his own hook. It is part of a plan to aid the French jive specialists to remain in this country as long as possible. Author of 'Le Jazz Hot' would like to stay until Jan. 15 if it is financially possible.

UNIONS TIFF ON DISCS

St. Louis, Nov. 29. Jurisdictional conflict between the IBEW, Local No. 1 and the Teamsters' Union over what disposition to make of drivers who deliver and connect automatic phonographs will be submitted to the meeting of the Executive Council of AFL when it meets next February in Miami, according to Hugh McTigue, prez of the Independent Phonograph Operators' Assn. Pending AFL action McTigue said he has requested representative of the Furmister and Piano Movers local to reconsider their decision to picket nurseries and taverns where phonographs delivered by other than union drivers are operated.

McTigue's assn. has favored 'its' drivers joining the teamsters' union while a rival assn. of operators, the International Assn. of Automatic Phonograph Owners whose headquarters are said to be in Chicago, has a closed shop agreement with the IBEW. (Arthur Schading, business agent of the local IBEW, was gunned to death several weeks ago.)

Waring's Agency

Waring Mixer Corp., controlled by Fred Waring, band leader, has placed its advertising account with the Campbell-Ewald Co., New York. It's an electric contraption, whose specialty is mixing drinks.

Waring's makes the first instance of a radio performer engaging an ad agency to work for him. Agency for his present sponsor, Groves Laboratories, is Stack-Goble.

Phonograph record manufacturers and the music publishing industry have brought the issue over coin-machine rights closer than ever to the court. Former last week gave the pubs alternative for forward action other than bringing a test suit when they rejected a new license form which limits the sale of the wax product to home use. Rather than submit to this restriction the record manufacturers have elected to take advantage of the compulsory provisions of the copyright law. They will give the copyright owners direct notice of intent to use. They pay the full 7c royalty as required under the law.

By accepting the revised form as submitted by Harry Fox, as agent and trustee for the pubs, the disc makers would be automatically enjoined from selling records made under this license to the operators of coin machines and radio stations. Royalty for home uses would remain at 1 1/2c per number. In exercising the compulsory provisions of the law, which obviates the need for getting a license once a copyrighted number is made available for recording to anyone, the manufacturers must pay the royalties every 30 or 45 days. They also lose out on the 10% breakage privilege allowed them under the direct licensing arrangement. Pubs in effect will be getting twice as much as they used to.

Counsel for the Music Publishers Protective Association were in process yesterday (Tuesday) of drafting a letter of warning to band leaders and vocalists who do phonograph record work. This letter will advise such artists that they must refrain from using special arrangements of works controlled by the attached list of publishers for recording purposes unless permission for such copyright has been obtained from the copyright owner. The notice will quote from the copyright law the provision which gives the copyright owner the exclusive right to arrange his work.

It is understood that the publishers' next move will be to notify the phonograph record companies that they must not rearrange any of the new copyrighted composition, even if they elect to exercise the compulsory licensing provisions of the copyright law. It is also understood that Harry Fox, of the MPFA, will be authorized to do all the collecting of royalties from companies that have adopted the compulsory statute method of licensing.

MILLS ACQUIRES NON-ASCAP SONGS

Mills Music, Inc., has acquired the publishing and other rights of the various catalogs developed by the late Harry J. Lincoln, Philadelphia publisher-writer. Companies involved in the transfer, which included the renewal rights, are the Vandersloot Music Publishing Co. and the U. S. Music Publishing Co. Purchase is in line with Jack Mills' decision of a year ago to extend his operations into the standard field.

Lincoln, who arranged and printed his own publications, was never a member of the American Society of Composers, Authors and Publishers. Catalog includes the Repas March, which has sold several million copies, the 'Garden of Dreams' and 'Silent Confession.'

Kapp to West Coast

Jack Kapp, head of the Decca Record Co., is spending three weeks on the west coast. He left last Friday (25).

Victor's recording manager, Eli Oberstein, who made a flying trip to Hollywood a day later (26), is due back in New York next Monday (5).

DE LANGE'S N. Y. HOTEL SPOT

Eddie De Lange's orchestra, which opened the new Jack White Bandbox, New York, recently, is negotiating to go into a N. Y. hotel spot. William Morris agency is handling the dickering.

The Bandbox brings in Jimmie Lunceford's band Nov. 30. Later was recently at the Kit Kat Club, New York.

Federal Trade Commish Passes By the Music Biz in 1938 Report

Washington, Nov. 29.

Mystery over the music publishing industry's trade conference with the Federal Trade Commission deepened today with release of FTC's annual report, which bore no reference to the plight of Tin Pan Alleyites who met over a year ago with federal authorities. Huddle over re-establishment of a voluntary code, patterned after the old NARA agreement, was held in October, a year ago—but so far no indication as to what the Feds are doing to aid song publishers in reshuffling of trade practices and abolition of song plugging.

While commish reported satisfactory conclusion of practice pacts with the rayon industry, house dress and wash frock manufacturers and nine other businesses far removed from music trade, and further listed pending proceedings involving companies which are 'national in scope and importance,' no mention made of song publishers. Outcome of preliminary conferences which were attended by top-shots in the trade nearly 14 months ago has been shrouded in secrecy since that time.

Vague

Repeated inquiries have brought forth the barest facts, such as occurrence of a temporary halt following the proceedings to permit an unnamed music industry representative to be heard by the negotiator in charge after the conferences ceased. No clue as to whether the unidentified publisher ever showed up, but later answers to queries always met with reply that matter was 'under consideration' or 'before the commission.'

Co-operation in the formulation of a proposed voluntary code for tune-smiths was a main motif pledged at the 1937 meetings, with majority of representatives of leading music publishing companies agreeing that the practice of song-plugging, or kicking in with bonuses to band leaders and other maestros who were in a position to have certain numbers repeated continuously, should be stopped.

BONUS TIME

J. C. Stein East for MCA's Annual Divvy

When J. C. Stein, prez of Music Corp. of America, makes a visit to New York around this time, it means the usual thing—lining up Xmas bonuses for the organization. Now that the N.Y. office has displaced Chicago as the No. 1 spot, what with the advertising agency income to radio and bands, the eastern branch of all eight offices, is the top grosser. Stein himself headquarters at the Beverly Hills office which he is personally trying to develop.

Billy Stein, MCA v.p., has gone back to Chi.

Two key men in the organization, Karl Kramer and Sonny Werblein are seriously ill. Latter will be out of the running until Jan. 1, having not yet fully recovered from a recent operation. Kramer, of the Chi. office, has been a victim of rheumatic fever and will go with Stein back to the Coast to seek his health in the warmer climate.

Alfred Newman writing the score for Walter Wanger's 'Trade Winds.'

Buzzell Appointed

Samuel Jesse Buzzell was named counsel for the Professional Music Men, Inc., at a meeting of the organization last week.

He succeeds Reuben Caidin, who helped found the association. Caidin has been ill for some time.

PAYOLA BIZ IN LONDON

London, Nov. 17.

Music publishers are on the war path again, and it is the old trouble, 'Special Arrangements.' This is a charge imposed by band maestros who broadcast, charging as high as \$25 for special arrangements per one or two numbers. Gag has been going the rounds for years, with the British Broadcasting Corp. shutting its ears to all squawks.

But situation has now become much more serious. Publishers have found certain others who went even worse by paying for 'arrangements' to certain orchestra leaders with the arrangements actually being done by the publishers themselves. BBC has been furnished with these facts.

Position at present is that either the BBC put a stop to the entire ramp or the Society of Popular Music Publishers will cease to function.

ACCORD NEAR ON COPYISTS UNION

Committees representing the Music Publishers Protective Association and the New York musicians union have got together on the terms of a new agreement for arrangers, copyreaders and copyrights. All remaining now is the ratifying action of the MPFA's board of directors and the local's executive board.

Only question still open is the run of the contract. Pubs are asking for three years, while the negotiating group for the union suggest that it be for two years.

Music Notes

Lew Pollack and Walter Bullock wrote four songs for 'Blue Skies' at 20th-Fox.

Gus Kahn and Harry Warren turned in 'This Night Will Be My Souvenir,' to be sung in 'Honolulu.'

Charles Ross and Dorcas Cochran sold their song, 'All for You,' to Monogram for the picture, 'Tough Kid.'

Irving Berlin is publishing 'Blossoms in the Moonlight,' written by Edward Kay and Ned Washington for Monogram's 'Gangster's Boy.'

Joe McKiernan's ditty, 'Hi There, Duke,' clefted for 'Duke of West Point,' will be published by L. Wolfe Gilbert.

Rain or Threat Marred 19 of 36 Nights

Cincy Zoo Opera Nevertheless Had Okay Season— Small Capacity Hurts

Cincinnati, Nov. 29. This burg's summer opera season for 1938 was the most successful so far, yet it resulted in a deficit of \$12,914, which is 79% of the guaranty fund. So reported Oscar F. Hild, president, and Edgar Friedlander, treasurer, of the Cincinnati Summer Opera Association in statement Saturday.

Figures showed operating expenses of \$83,978 and an income from ticket sales, a touring, engagement and libretto sales of \$66,814, plus \$4,249 for broadcasting rights. An increase of \$9,000 in operating costs over 1937 was due to "generally higher labor costs and use of many artists of outstanding reputation," and loss of revenue from program advertising, amounting to \$3,500, because of belated decision to hold the 1938 season, were cited in the report.

Rain, or threat of rain, cut down attendance on 19 of the 36 nights, causing an estimated loss of \$6,000, according to the report.

Hild, who is head of the local musicians' union, criticized the small

capacity of the Zoo theatre, which seats 1,200. His statement also stressed the need of earlier assurance of a modest guaranty fund for success of the enterprise in the future.

REY QUILTS HEIDT ORCH; KING SIS' EXIT, CAUSE

Pittsburgh, Nov. 29. Alvino Rey, steel-guitar player and a fixture with Horace Heidt's band for last five years, quit Heidt here last week at close of latter's engagement at the Stanley. Friction is said to have resulted when three King sisters, one of whom is Mrs. Rey, left Heidt recently. Latter were replaced by Steel Sisters, Wheeling, W. Va., radio act.

Rey has made no plans for the future and Heidt doesn't expect to replace him immediately. Band has two more weeks of stage work before returning to Biltmore hotel, New York, Dec. 15 for the winter. Heidt's radio commercial for Alente, which he has been doing since 1934, fades from the networks late next month. Outfit is dickering for a new sponsor.

Mystery Telephone Rings During Thomas Recital

St. Louis, Nov. 29. During the recital of John Charles Thomas, baritone, in the opera-house of the Municipal Auditorium last week the intermittent tinkling of a telephone was heard by the customers. Crix of local rags made reference to the mysterious noise and after Manager James E. Darst of the auditorium was unable to find it he detailed a crew of six juicers to solve the mystery.

After a three-hour hunt they found that a telephone had been installed by a radio station for use in connection with a program broadcast from the stage the night before and had been forgotten when the program was concluded.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Nov. 21-27). Total represents accumulated performances on the two major networks from 8 a. m. to 1 a. m. In "Source" column, * denotes film song, † legit tunes, and "pop" speaks for itself.

TITLE	PUBLISHER	SOURCE	GRAND TOTAL
Have You Forgotten So Soon	Berlin	Pop	56
My Reverie	Robbins	Pop	44
Deep In A Dream	Pop	39	39
Two Sleepy People	Famous	*Thanks In Safe Memory	38
Sixty Seconds Got Together	Santly-Joy	Pop	37
All Ashore	Shapiro	Pop	33
Ya Got Me	Lincoln	†U. of Penn. Mask and Wig	30
Heart and Soul	Famous	*A Song Is Born	28
You Must Have Been a Beautiful Baby	Remick	*Hard to Get	28
My Own	Robbins	*That Certain Age	28
While a Cigarette Was	ABC	Pop	25
They Say	Witmark	Pop	25
Simple and Sweet	Miller	Pop	25
Who Blew Out the Flame?	Feist	Pop	25
Please Come Out of Your Dreams	Words-Music	Pop	25
At Long Last Love	Chappell	†You Never Know	24
Jeepers Creepers	Crawford	*Goin' Places	24
What Have You Got That Gets Me?	Famous	Pop	23
Night Before Christmas	Chappell	Pop	22
This Can't Be Love	Chappell	†Boys from Syracuse	22
I Won't Let You	Witmark	Pop	21
Summertime Souvenirs	Bregman-Vocco-Conn	Pop	21
I've Got a Pocketful of Dreams	Santly-Joy	*Sing You Sinners	20
Day After Day	Green Bros.-Knight	Pop	20
You Look Good to Me	Bregman-Vocco-Conn	Pop	20
Girl Friend of a Soul	Lincoln	*Garden of the Moon	20
When I Go a' Dreamin'	Lincoln	†U. of Penn. Mask and Wig	19
Hurry Home	Spier	Pop	19
Is That the Way to Treat a Sweetheart	Olman	Pop	17
Lameth Walk	Remick	Pop	16
So Help Me	Stansy	*Hollywood Revels	14
Love, I'd Give My Life for You	Fisher	*Angels with Dirty Faces	14
Change Partners	Berlin	*Carefree	13
April in My Heart	ABC	*Say It with Music	13
Love Doesn't Grow on Trees	Paramount	*A Song Is Born	13
Wait Until My Heart Finds Out	Harms	Pop	13
I'm Madly in Love with You	Mills	†Cotton Club, N. Y. Revue	13
F. D. R. Jones	Chappell	†Sing Out the News	11
Alexander's Hardtime Band	ABC	*Alexander's Ragtime Band	11
What Do You Know About Love?	Marks	Pop	11
Song of Old Hawaii	Feist	Pop	11
Papaya	Superior	Pop	11
What a Wonderful World	Paramount	*The Major	10
Stop Beating Around the Mulberry Bush	Bregman-Vocco-Conn	Pop	10

SOLOISTS OKAY GUILD ACTION

Solo artist members of the American Guild of Musical Artists last Sunday night (27) endorsed the action of the organization's leaders in intervening in the F.C.M. hearings of monopoly charges against NBC and CBS. Also approved the conduct so far of the negotiating committee which has been meeting with representatives of the Columbia Concerts Corp. and NBC Artists Service. About 180 solo artists attended the session, which was held at the Plaza hotel, N. Y. Another meeting to acquaint the membership with further progress will be held at the same place Dec. 11.

Board of directors of the Southern California Symphony Assn. was held yesterday (Tuesday) in Los Angeles to decide on a reply to AGMA's proposal to settle the controversy over Yehudi Menuhin's guest appearance recently with the Los Angeles Symphony Orchestra. No word of what took place was available in New York late yesterday afternoon. AGMA had notified the management that it was willing to drop the matter provided the Southern California group assumed full blame for the incident, promised it would not again violate its Guild-shop contract and reimburse the Guild for all expenses in connection with the incident.

Flagstad Sniffled Out; Payees' Rain Checks

Cleveland, Nov. 29. Severe cold that hit Kirsten Flagstad after her Chicago date forced her to cancel her all-Wagner concert in Cleveland civic auditorium Sunday (27) at the last moment. Singer was skedged to appear with symphony orchestra here. Although about 9,500 tickets had been sold, few asked for refunds, majority taking a rain-check.

C. J. Vosburgh, manager of symphony, expecting Flagstad to be well enough to fill postponed engagement within a fortnight.

Voice Damages Awarded

Rochester, N. Y., Nov. 29. Mrs. Emily Davis, singer, won \$6,000 award in Supreme Court here for injury claimed suffered when hit in face by lacrosse ball.

Mrs. Davis, who has sung professionally in operettas, declared effect of the blow was to change her voice from mezzo-soprano to contralto, and this had become an impediment in speaking. She was hit at a practice session preceding a regular game at the Army.

On the Upbeat

Fran Eichler at Nixon Cafe, Pittsburgh, picked up for indefinite period and Al Kavelin extended at New Penn. Pitts., until Feb. 1.

Skinney Ennis and band returned to the Victor Hugo in Beverly Hills.

Clyde McCoy's orchestra follows Gene Krupa into the Palomar in L. A. Dec. 14.

Griff Williams in Hotel Schroeder, Milwaukee, starting Friday (2). Williams will broadcast nightly over WTMJ.

Al Oliva, singer, formerly with Paul Whiteman and other bands, has joined Dick Barrie the Staller Hotel, Cleveland. Anita Boyer (Mrs. Dick Barrie) and femme vocalist with band, taken to hospital last week for emergency op.

BLUE BARRON'S RETURN
Blue Barron will return to the Edison hotel, N. Y., from current tour early in March. Band makes its New York debut after coming from Ohio territory at that inn and stayed for nine months, exiting last Oct. 5. Gray Gordon, another Consolidated newcomer, will take a stand at the Lincoln hotel, operated by same people, on Feb. 1.

\$5,000,000 Auto Lot

(Continued from page 1)

the late '20s, when a false idea abounded in Philly that the center of the city was moving west, more than \$5,000,000 was spent on the gigantic cinema palace and \$65,000 more for an organ. It seats approximately 5,000 people and has every possible modern audience convenience.

Al Jolson in 'Sonny Boy' opened the house on Feb. 28, 1929. Operated by Warner Bros., later it had taken over the Stanley Co. of America, whose president, Jules E. Mastbaum built the house, it lost money until shuttered on Dec. 1, 1933. Lights were out until Christmas Week of 1934 when S. L. Rothafel took it over, renamed it the Roxy-Mastbaum and installed the stage shows for which he was famous. But despite what they did in New York, they failed to click in Philly and Roxy hurriedly bowed out two months later, March 2, 1935. Shades have been drawn ever since.

Now, with no prospect of ever being anything but a dead loss, its owners are reported to have ordered it scrapped to save taxes. As a parking lot, it is far from the center of town.

Canned 'Faust' Tiff Leads To Atlanta Union Accord

Atlanta, Nov. 29. City's 6,000-seat auditorium last week became 'closed shop' when City Council passed resolution ordering Burt Wellborn, manager appointed to succeed Oscar Williamson, killed in an accident recently, not to rent aude to anyone who failed to agree to use union labor.

Resolution stemmed from quarrel between International Alliance of theatrical stage employees and music union with city over staging of 'Faust' at aude with canned music. Unions had threatened to put aude on a road basis but agreed to call off their dogs when council said it would put through aforementioned resolution. Road basis would have placed the aude under greater restrictions.

ATTENTION A.S.C.A.P. MELODY WRITERS

How About Writing a Melody for This?

MOTHER NATURE DECIDED

(32 Measures)

CHORUS

Like a robin feels at home up in a tree,
That's the way I feel at home when you're with me,
It's not up to the tree,
And it isn't up to me,
It's just what MOTHER NATURE DECIDED.
Like the ripple of the stream must kiss the shore,
That's the way I kiss the one that I adore,
It's not the way to the shore,
Or the one that I adore,
It's just what MOTHER NATURE DECIDED.
She made a time for snow to fall
A time for lovely flowers to appear,
But she made our love a flower,
That has the magic power,
To bloom in every season of the year.
Like the darkness fades into the break of day,
When you're near me all my troubles fade away,
Like the roses with the dew,
Darling, that's how I need you,
It's just what MOTHER NATURE DECIDED.

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A Smash Hit
MY REVERIE
By Larry Clinton

Gordon and Revel's Latest Song Sensation!

THANKS FOR EV'RYTHING

20th Century-Fox Picture, "Thanks for Everything"

From the New Universal Picture, "That Certain Age"

MY OWN

By Jimmy McHugh and Harold Adamson

The Newest Ballad Song Smash!

AFTER LOOKING AT YOU

By Al Hoffman, Al Goodhart and Manny Kurtz

20th Century-Fox Picture, "Just Around the Corner"

THIS IS A HAPPY LITTLE DITTY

By Walter Bullock and Harold Spina

The Year's Greatest Novelty Hit!

WHERE HAS MY LITTLE DOG GONE?

By Al Feldman

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4A's Backs Abbott-Costello Nix On AFA Initiation Fee as BAA Members

Refusal of Abbott and Costello, burlesque and radio comedy team, to pay an initiation fee to the American Federation of Actors was upheld Monday (28) by the International Board of the Associated Actors and Artists of America. Trouble started last week when the team, now at the Casa Manana, New York, was told it had to pay an initiation fee to the AFA if it wanted to work in a field under the latter's jurisdiction. They offered to pay dues to the AFA, but refused to comply with the union's order to cough up the initiation fee, on the grounds they were members of the Burlesque Artists Assn.

Decision handed down by the i.b. was that the interchangeability rule clearly stated what action was to be taken in a case of this kind. Rule defines the status and requirements of an act working another field by saying that said act does not have to pay the fee unless that fee is higher than the amount collected in its own organization. AFA fee is \$10; BAA, \$25.

AFA was rebuffed a second time when it questioned the good standing in the BAA of Abbott and Costello. Four A's said that if AFA had proof that members of the BAA were not paid up, it should present that proof in formal charges.

Brought out by Abbott and Costello that they had played several weeks at the Roxy theatre, New York, this year and had spent the last two summers at the Steel Pier, Atlantic City, and that they had been approached by AFA, even for collection of dues, until starting their p.a. at the Casa Manana.

BLUE TAB 'QUEEN' IN THE RED—CANCELLED

St. John, N. B., Nov. 28. The welcome on the eastern Canadian theatre doors for Flo Nickerson, self-styled "Queen of the Tabs," has been removed. Miss Nickerson has been producing and heading musical tab troupes, playing picture houses on several tours of the north-east each year. On her current tour, she, who always gives her name the top position in the billing, found her name and all reference to her deleted. In playing the Capitol, St. John. In fact, Miss Nickerson didn't even appear on the stage for the two-day booking. This, reportedly, at the order of the management of the Paramount. Each trip her troupe is named differently. This time it's the "Swingtime Varieties."

A propensity for blue material is charged as the reason for the disappearance of this veteran of the tabs and burlesque, from the lineup of her own outfit, composed of about 20, including a chorus.

At 50c top, Miss Nickerson and her troupe had been lacking at the b.o., so there was no boost from the regular peak of the Capitol on the latest stay, viz 39c. The Paramount interests, with two houses in Moncton, N. B., Empress and Capitol, called it off a day in advance. W. H. Golding, veteran manager of the St. John Capitol, 1,700 seater, saw red when Flo Nickerson went blue. With his background of being a church deacon and Sunday School teacher, he cancelled her.

N.Y. Cafe Files Appeal On Act's Judgment

An appeal was filed in New York Monday (28) in case of Jack Miller and Janet vs. the Monte Carlo, N. Y., in which Miller had won a default judgment for \$150 Nov. 21, because the nitery had cancelled the skating act.

Miller, it is alleged, was cancelled at the insistence of an American Federation of Actors organizer who told the nitery operator that he could not switch bookers without a two-week notice. Barney Gillman, agent, had placed Miller's act in the Monte Carlo, while another agent had the account. Gillman forced the suit on the grounds that the AFA had interfered.

CURTIS DODGE AGENTING

New Orleans, Nov. 29. Curtis Dodge, former Hollywood booking agent and ex-stock player at RKO, opened booking office here. He is peddling bands.

SETTLES IN AMERICA

Gottfried Bergmann Moves to New York to Enter Agency Biz

Gottfried Bergmann, theatrical agent from Amsterdam, Holland, has Americanized his name to Godfrey Bergman and will open an office in New York. He came here last spring to pilot the multiple-voiced Ann de Ohla, imported by John Royal of NBC. Miss de Ohla has since returned to Europe.

Bergman went to Cuba and re-entered America recently on a Netherlands quota number. He will also keep open his Amsterdam office. He has a deal with Station AVRO of the Dutch Broadcasting Corp.

Cafe Service Help Win Demands After Walkout

Philadelphia, Nov. 29. With the Cafe Marguery at the Hotel Adelphi jammed with dinner guests, here for the Penn-Cornell and Army-Navy games last week, cooks, waiters and bartenders went out on strike. Diners were right in the midst of their meals when about 100 employees walked out. Pickets immediately appeared out front. Executives of the hotel picked up where employees left off in serving dinner.

Agreement was made the following day with the Hotel and Restaurant Workers' Union, American Federation of Labor, and the help went back to work, with a \$4 a month raise and other demands met. Management had been taken over just a few days previously by Howard F. Hohl, who claimed that he hadn't had time to study payrolls and conditions.

Bill Robinson Booked For Philly's Grand

Philadelphia, Nov. 29. Nixon's Grand theatre, which opened with Ethel Waters in prime spot last Thursday, will feature Bill Robinson starting Friday (28). After that the lineup is Andy Kirk, Duke Ellington, Chick Webb, Count Basie, Mills Exes, Earl Hines, Claude Hopkins, Slim and Slam and Jimmie Lunceford.

Clement Butson, British Showman, Recounts Vaude's Comeback in Eng.

Gang-Busters to Make Pitt P.A.; Thea. Precedent

Pittsburgh, Nov. 29. Radio's Gang-Busters have been booked into the Stanley here for week of Dec. 9. First time house has ever pencilled a dramatic turn from the air and experiment will determine future of other like programs for flesh showings here.

Deal made in New York over weekend by Harry Kalmine, who also closed for Duke Ellington to open Friday (2), second visit of Ellington here in less than a year. 'Boys Town' unit, coming in Dec. 16, is only doing 35 minutes and so management is surrounding it with several additional turns.

SNAG CAFE ACT CLASSIFICATION

Philadelphia, Nov. 29. Plan of the American Federation of Actors and the Entertainment Managers Assn. to classify Philadelphia niteries is stymied by differences between the two groups as to method. Idea was to establish classifications so that uniform rates for acts would be charged all spots in one grouping.

Original suggestion of the EMA was to adopt the zoning system already in use by the musicians' local. Tom Kelly, AFA biz agent, claimed that wasn't entirely equitable, and demanded instead that niteries be classified according to location, size and grosses. EMA, on the other hand, insisted that the American Federation of Musicians had already considered the problem over a number of years and considerable headachae could be avoided by using the musicians' classifications.

Straight vaudeville has made a remarkable comeback in Great Britain in the last two years, according to Clement Butson, booking manager for the Blackpool Tower Co., Blackpool Winter Gardens and Pavilion Co., Ltd., who is vacationing in New York City, after a visit to Nassau and Havana. Vaudeville business is much better than a year ago, he said, with every principal city having at least two good vaudeville houses and one or more theatres in communities of 50,000 or more.

Although British theatre operators experience the same difficulty as in America in getting enough real box office names, new people showing any possibility are assisted in every way to develop into favorites. Broad-casting has supplied some new faces for the vaude stage, although not many.

Butson, whose Blackpool company is the biggest amusement enterprise in England, stated that the revival of British vaudeville has developed unit production on a heavy scale. Unit alignment assured members of troupe a tour of at least 20 weeks, was more economical for theatres to book and, by setting up a road tour, the houses were assured of securing a better show.

Absence in America of dumb acts or specialists, such as acrobats and tumblers, is amazing to Butson. He states there are few shows in England which do not have at least one such act.

London's Coney Island, boasts several legit shows, vaudeville, film houses, ballrooms, a menagerie and at least one circus. Season runs from May to October, with a promenade extending for seven miles. As a result of elaborate street lighting system installed recently, increased throngs have attended late in September and in October. Part of the attractions are operated the year round.

Butson sails for England Friday (2). He usually sees Ringling-Barnum & Bailey circuses here before returning home, but delayed plane connections between New York and Miami caused him to miss the show down south this year. He generally travels about 20,000 miles seeking new acts and talent for the Blackpool enterprises each year.

One of the final things Butson will do before sailing is to visit the New York World's Fair in Flushing Meadows.

ROSE SIGNS LIBUSE FOR SOLID YEAR AT NITERY

Frank Libuse has been signed for a six-month stretch at the new Billy Rose Diamond Horseshoe in the Paramount Hotel, New York, and for '39 Fall. Spot is scheduled to open shortly.

Libuse recently completed a date at the Casa Manana, another Rose spot, and closed last night (29) at the Paramount, N. Y.

Father Finds Missing Daughter in 'Frozen' Act

Syracuse, Nov. 29. Hunted by her father for six weeks, Susan Williams, 19, of Fort Edwards, N. Y., known professionally as Carol Star, was taken home last week after she was found here a few minutes before she was to be 'frozen' in a cake of ice as the feature act at the Rex Grill here.

When Myran F. Williams learned that William Hanyan's act, which consisted of hypnotizing the girl and putting her to sleep in a cake of ice, was playing in Syracuse, he contacted Chief of Police Rapp here. A detective took her to headquarters from whence she was sent home while Mrs. Hanyan, who had preceded Miss Williams on the act, wearily made plans to return to her icy couch.

6 Debonairs Set for P.A.s After 'Know' B'way Fold

Six Debonairs, who closed with the musical, 'You Never Know,' at the Winter Garden, New York, past Saturday (26), are slated for a vaude tour.

Dancers open at the Palace, Chicago, Dec. 9, with subsequent dates still pending.

I'm sorry

but Mr. Jones is very busy and is leaving on a business trip—however I know he reads Variety—I'm sure you can reach him that way."

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Philly AFA Drive for Closed Cafe Shops Wins Operator Group's OK

Philadelphia, Nov. 29.

Picketing of two Philadelphia niteries last Wednesday (23) night opened a campaign by the American Federation of Actors to get closed shop agreements with all spots. Sandwich men appeared in front of the Little Rathskeller and the Cadillac Tavern, but were quickly called off when Tom Kelly, biz agent of the AFA local, made an agreement to meet with the Night Club Owners' Assn. of Philly tomorrow (Wednesday), when it was said he would procure agreements from practically all the members.

None of the operators has any real objection to inking a close-shop pact, it's said, but none had wanted to be first.

Four spots aimed at first by Kelly as keys to the entire city situation are the Rathskeller, Cadillac, Stamp's and Palumbo's. He feels that once these are signed the rest will be easy. Inasmuch as the major clubs, like Jack Lynch's and the Arcadia-International, use practically all AFA talent anyhow, drive for agreements from them will be handled by Kelly later.

Hassett, Lomax Form

Team for Vaudeville

Buddy Hassett, singing baseball player on the Brooklyn Dodgers, and Stan Lomax, WOR sports commentator and sportswriter, have been teamed as an act. Pair had a one-day break-in at Proctor's 58th street Sunday night (27) and go into the Strand, Brooklyn, for a week, starting Friday (2).

Other dates to follow are being lined up by Bob Rosen, former Lew theatre manager, who's handling the act.

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EL RIO CLUB, NEW YORK

Burke's Bistro Bow-In

Johnny Burke, for years a standard vaudeville comic, makes his niter debut at the Walton Roof, Philadelphia, Dec. 2.

Idea was born from impromptu bit on the floor at the Walton two weeks ago when Burke was persuaded to do his army routine by Joe Lewis, m. c.

4A'S MOVES TO CLOSE-SHOP WORLD'S FAIR

Frank Gillmore, president of the Associated Actors and Artists of America, Monday (28) submitted a rough plan to board members of Four A's for an increase—in per capita tax levied on member-unions. At the same time Gillmore instructed attendees from various other talent groups that a special effort will be made shortly to make the forthcoming New York World's Fair a complete closed shop for union performers in every branch of theatricals.

Four A's has been talking the matter of bottling up the Fair for a while, but nothing much had been accomplished so far. The American Federation of Actors went after its own contract and secured same for vaudeville and night club performers who might be engaged by and at the Fair. All the other groups including Screen Actors Guild, American Guild of Musical Artists, American Federation of Radio Actors and Burlesque Artists Association would be covered in all-covering Four A's agreement, which it is stated, will be the special object for the present since the Fair is so near.

On the tax situation, Gillmore stated that there was no immediate change in present setup, or could there be without altering the existing constitution. However, his object was to submit the idea for consideration and deliberation among executives of the member-unions for action at a later date. Notice was an official one, but carried no special significance for immediate future, it's stated.

Saranac Lake

By Happy Bonway

Jeanne LaFau at Bellevue hospital, New York. For years she was at the old NVA sanatorium. Martha Gill, Rose Clark, Emma O'Neil, Teddy Stewart, Buddy Emmet, Bob Burk, Edie Dowd, Isabelle Rook, Johnny DiGiovanni, Dick Willis are among the many who give their time and help make it worthwhile at the Will Rogers.

Ann Sagan, formerly of Loew's Delancy theatre, N. Y., is a newcomer at the Rogers.

James Seelye Gladys Peckler and Emma O'Neil had birthdays.

Myra Blake is sitting up and taking in the san's talkers.

Harold Rodner here mitting the Rogerites for Thanksgiving handed out candy. He was accompanied by William Cohen, super of National Home for Jewish Children, Denver. Burke with all trimmings featured at Thanksgiving at the Rogers. Jimmy Marshall, who oozed here, reports he's okay and will labor soon. "The fastest thing in the world," says Ben Schaffer, "would be Hitler running through Delancy street."

Mrs. William Caease here ogling her husband.

Steve Gregory, who toots a mean horn with the local band, never misses a chance to give his time to the Colony.

(Please write to those who are ill.)

• 15 YEARS AGO •

(From VARIETY and Clipper)

Benny Rubin, described as 'a graduate from an act' making his third try at glee. Seemed to have the answer this time, working with a clever kid. Had to make a speech at the Alhambra, which was a new experience for him.

Cissie Loftus billed for a second week at the Palace, but forced out by indisposition. Nora Bayes held over and brightened the bill and Paul Remos showed B'way his midgits.

Fritz Schett no draw at the Riverside, N. Y., but making good with those who did attend. Bill rather light waisted.

After two sellout weeks, Keith's Boston took a deep dive. House of David band failed to show and a Russ balliaka orch no draw at all.

Irene Franklin did 34 minutes at the Chicago Palace, and Clark and Bergman took almost as long. Weaver Brothers and Joe E. Brown runners up.

Indiana, Chi, had only one full stage act in eight turns, but a couple worked in two just to give variety.

Orpheum, Los Angeles, so weak on comedy they had to put on an afterpiece to garner a few laughs.

Walter Windsor was working through the west with a handful of traveling principals and a local chorus. Sent a stager a week ahead to break in the locals. Good for newspaper mention.

So many films waiting a B'way showing managers slapped on a one-week limit on pre-release.

Palace, Dallas, was showing a film while station WFFA was broadcasting. Rex theatre, Kemp, Texas, picked up the radio for its pic accompaniment. Probably first time. Towns more than 100 miles apart.

Amateur night was replacing the more restrained opportunity night in pic theatres. Audiences wanted more horseplay.

Leonard Hall barred from the National (legit), Washington, and President (pics). Was critic on the News. Came over to N. Y.

Jim and Marian Harkins opened an office in the State theatre building, N. Y. To practice chiropractic.

B'way theatres hit an all time high with 58 attractions scheduled. But seven attractions are queing, and only two new ones coming in.

David Belasco announced that four weeks were plenty in Chi. Pick up the coin and get adopted as his policy.

Night Club Reviews

BOWMAN ROOM

(HOTEL BILTMORE, N. Y.)

Phil Spitalny-Orch with Maxine, Evelyn, Rochelle, and 3 Little Words, Ginger Harmon.

The limited three-week booking here by Phil Spitalny and his all-femme orchestra just about rounds out every type of engagement for the General Electric maestro. Band has played stage, screen and radio, but this is its first dance engagement in a key spot. Opening Thanksgiving night, a basically tough calendar date for a premiere, Spitalny's femme jazzists evidenced that they're as versatile for the hoof as for the sound-sight appeal on a rostrum.

Furthermore, Spitalny brings into the classy Bowman Room of the Biltmore a versatile aggregation of entertainers rivaled only by Horace Heidt's Almetite Brigadiers, who, too, are a veritable roadshow, besides being a crack dance combo. Heidt, incidentally, is the previously contracted maestro at the Biltmore. He returns here just before Xmas.

Spitalny shows himself to be a good dance maestro as well as a showman by trimming his usually extensive stage novelties to 20 minutes or so, as well as giving out for the dansapation. He also introduced a hot, cafe room novelty by projecting a technicolor excerpt of his 'Hour of Charm' femme band as prelude to his act show.

Maxine, a looker, with her socko vocalizing; Evelyn's violin virtuosoing (incidentally, she's said to be the crack violinist of the band); Rochelle and Lola with their piano logistics; 3 Little Words, vocal combo, and Ginger Harmon for the killer-diller finale are the featured highlights of the act. No money work for Spitalny because of the radio commercial.

CASINO-ON-THE-PARK

(ESSEX HOUSE, N. Y.)

Nat Brandwynne Orch (8), Clare Martin, Swing Quartet.

Back from engagements out of town, including the Book Cadillac, Detroit, and the St. Francis, San Francisco, Nat Brandwynne's orchestra (8) follows Richard Himber to the Casino with his "High Yellow" act. It's one of the more dignified supper spots in town.

His outfit includes himself at the piano, three saxes (doubling on clarinet and alto), a bass fiddle and banjo. While he specializes in sweet music, Brandwynne has a four-piece swing outfit that does two acts nightly. Kay Cody, harpist, is also here.

Soloist Clare Martin, a looker, does ballads. She as well as Brandwynne's music have no difficulty getting across.

LE RUBAN BLEU, N. Y.

Harold Jacoby, Nora Sheridan with Alan Jones, Billie Hayward & Cliff Allen, Spivy, Elsie Houston, Morgane.

Around the corner from the Hotel George V, Paris, is the new Le Boeuf sur le Toit (Bull on the Roof) and above it is the stuffy Le Ruban Bleu (Blue Ribbon). Last year, Harold Jacoby, who runs the Paris spot, brought in a counterpart of the Blue Ribbon and it was a quick click with its chi-chi black-and-tan diversissement in the approved Parisian manner. Back for a second year, in the same drawing room niter atmosphere above Theodore's restaurant on East 58th, Jacoby is clicking again with a fine talent and an in-time, gay show, which explains why, at 85c a drink, sans couvert, they pack 'em in here. Capacity is around 75 and turnover consistent, the only way the place could get by. Greta Keller, just arrived, is a Viennese chanteuse who premiered Monday (28), but the initial show, comprising the above talent, continues substantially as is.

Outstander is Nora Sheridan (New Acts), a former character who's tackling this 'lame salon chanteuse' business and is more than holding her own. So much so that Miss Sheridan bids fair to become one of

the sauciest song interpreters around, in the Marion Chase idiom.

Billie Hayward and Cliff Allen, colored pair, have been around extensively. Miss Hayward is also known on the picture and has done their pianologic vocalizations in channels that range from 'New Faces' (stage revue), to Greenwich Village bistros, with 82d street and Harlem in between.

Spivy, doing a courtesy bow on the night caught, is well known for her pianologic talents during her long stay at Tony's 82d street, has been pincited for Elsie Houston, Brazilian songstress, a holdover from last season and also from the Paris engagement.

Morgane is a French import with broad lyrics of the same naughty school of interpretation that is usually associated with this style of songology. A couple of boys otherwise plug the waits with their dual grand piano work.

Abel.

Plantation Club, N. Y.

Valda, Barrington Guy, Avon Long, Conway & Parks, Moke & Poke, Ross Collins, Joyce Beasley, Elsie Fitzgerald, Skeets Tolbert orch.

As the sole remaining night spot in Harlem making pretense of a floor show, the Plantation Club (the old Cotton Club site) continues as the hardy survivor despite the Harlem exodus. It's the hottest show in this area, but definitely not a place to which Aunt Hetty could be taken. Instead, it's for visiting firemen and others seeking late, lively Harlem-esque entertainment.

Barrington Guy, who was noted at the old Ubangi Club (ex-Connie's Inn) for his daring numbers, dominates present production with a risque Harlem episode and a ballad. Valda, dancer of voluptuous proportions, is his new femme partner in the exotic trip bout that climaxes the act.

Previous to her entrance, it's the story of the sultan seeking a new spouse, with four girls demonstrating their hip-swinging talents before him. It's accompanied by purchased repartee that survives probably because of tongue-in-cheek handling by the principals. Dance that Guy and Valda do is a torrid affair. Guy is on one knee with his "High Yellow" song, indicating excellent voice and clicking in legit manner.

Remainder of entertainment is fairly much in the Harlem groove, with Avon Long, fave in these parts, stand out. There are three production numbers, with chorus of 14 going through strenuous routines. Long, just back from the Coast and Porgy and Bess, ballads two tunes with his popular "Brown Boy" again registering though he's done it for several years.

Moke and Poke, two youthful colored lads, have possibilities with

(Continued on page 45)

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Moss Holds Agent for Violation Of Licensing Law; AED Pushes Drive

Assured of the 'full cooperation' of the recently formed Associated Entertainment Directors of New York, offshoot of the Entertainment Managers Assn., N. Y. License Commissioner Paul Moss this week fined Paul Lester, agent, out of court. He's being held in \$100-bail for special sessions after a hearing last week. It's Moss' first pinch in long-winded agent licensing and cleanup campaign. AED members have been acting as special deputies for Moss and reporting all agents booking shows without licenses.

AED members will become licensed by Moss today (Wednesday). They aim to give Moss the co-operation he has sought for past five years, states AED, which looks upon such a move as benefiting club date business. Moss will be asked to sit in at its monthly meetings and will also be tendered honorary membership in the organization. Together with industrialists and business leaders, he'll also be requested to help work out problems of the entertainment field. Well known business leaders have already been selected and their acceptances will be announced shortly, according to AED.

Moss has had several test cases as commissioner but all fell through. He says he's making no mistakes now, claiming full proof of Lester's violations. Latter was bagged for booking an unidentified niterly show minus a license. Moss has aid of the police department, which is furnished with names of every act working a cabaret. He gets agents' names and evidence through the acts.

AED, now numbering 25 members, held its first mass audition of acts on Sunday (27). Similar plan has been in operation among EMA members for past several years. Forty-six acts attended the gathering which is also designed to eliminate 'auditions' which turn out to be paid shows, but for which acts get nothing. Harold Koenigsberg, of the AFA, attempted to prevent acts from appearing at event, says AED. Koenigsberg counters with reply that information was deliberately withheld from him when he asked information relevant to the audition. He only told acts to protect themselves against any chiseling, he says. AED has sim-

ilarly ignored AFA's nix of its attempts to sign acts to contracts. AFA held it was inequitable.

AED members started signing acts last week, but are limiting themselves to those to which they can, for the present, give guarantees of work. Cancellation within 30 days if no work is permitted.

AFA figures that contract would not stand up in court and is awaiting a test. There's still no stipulated amount of work or money guaranteed by AED nor is there a bond posted to insure payment under its contract. AFA claims, however, nothing official can be done on matter until Ralph Whitehead, AFA's executive secretary, returns from out of town and holds a council meeting, it's understood.

This week AFA bagged agent Paul Benson on complaint of Alice Murphy that he had not paid her for working a date. Benson had to pay \$50 due Miss Murphy since Nov. 16.

GEORGE WHITE'S SHOW MAY GO INTO INT'L

A George White revue may go into the International Casino, New York, succeeding the present Clifford C. Fischer shows. This may precede Earl Carroll's idea of shifting his Hollywood show to the Broadway spot next spring. Paul Small, of the William Morris agency, has been talking the White deal and prior thereto Harry Kaufman (Shuberts) was talking a tabloidized 'Ziegfeld Follies' for the mammoth niterly.

Fischer, Paris and London producer, is en route back to New York from abroad, and is scheduled to arrive tomorrow (Thursday). Meantime, the International's financial stringency economy retrenchments, including a provisional two weeks' notice to the bands and show. George D. Lottman, p.a., when offered a large cut, quit. He's gone over to the Hotel Astor, N. Y., this too being under Bob Christenberry's general supervision. Latter, v.p. of the Astor, was installed by the banks as managing director of the International. Carl Erbe succeeds Lottman as International's p.a.

Biz at the International has been poor of late, although starting out big. A recent police squawk over nudity forced a one-day (Sunday) closing, but that's not figured to be any contributory element at the b.o.; if anything, that sort of publicity usually helps.

Nothing will occur before Fischer gets in tomorrow, however.

Fresh money came into the spot within recent weeks to keep things going. Lou Brecker, Joe Moss and George Olsen comprise BMO Corp., the owners, although there are prior liens, bankers' claims, etc., before any profits can be shared. Moss' other spot, the Hollywood, following 77b last spring, has been refurbished, but its reopening postponed several times.

Outdoor Showmen Hear Whitehead Explain Stand

Chicago, Nov. 29. Ralph Whitehead, executive secretary of the American Federation of Actors, explained to the convention of International Fairs and Expositions at the Sherman hotel today (Tuesday) the position of AFA in its current drive to organize carnivals.

Whitehead said his organization could no longer permit its members to work for carnivals which are inimical to the best interests and welfare of AFA members.

AFA, he said, would see to it, too, that its members would work only for those carnivals which fully operated within the salary and time provisions of the Federal wage-and-hours bill.

GEORGIE PRICE STAGING FINANCE SCRIBES' SHOW

George Price, former vaude single, now a stockbroker, is staging the annual show of the Financial News Writers Assn. at the Hotel Astor, New York, December 16. This is a sort of Gridiron Club affair of the Wall Street commentators.

Price was impressed into service when R. H. Burnside, originally contracted to put it on, had his contract settled. Among the current year's authors are Burton Crane, of the Wall Street Journal, formerly of the Japan Advertiser and Vauxhall mugg in Tokyo. Crane is quite a songwriter avocationally, and also has been extensively recorded by Columbia in the Far East, where he was perhaps the only American exponent of the geisha-type chansons.

Hartmans Open Vaude, Cafe Tour Dec. 6 in Det.

With the Shubert musical, 'You Never Know,' folding at the Winter Garden, New York, almost simultaneously with their closing at the Persian Room, the Hartmans are going out on a hotel and picture house tour. Open Dec. 6 in Detroit and thence Cleveland at the Statler hotel; followed by theatres, MCA booking.

Comedy dancers are due back at the Hotel Plaza, N. Y. (Persian Room) Jan. 17.

Robitschek Delays Vaude; Talks Deal with Shuberts

Kurt Robitschek has definitely postponed opening his proposed three-day New York vaude. Originally skedded to open at the Palladium, nee B. S. Moss' Broadway, Nov. 27, date was cancelled because of money troubles and fear of holiday season lull.

Robitschek is also dissatisfied with the theatre and is talking a deal with the Shuberts for one of their theatres. In the event latter goes through, the Shuberts may buy piece of show. They now have another vaudeville unit, Olsen and Johnson's "Hellzapoppin," at the Winter Garden.

Nix Burley for Theatre

Philadelphia, Nov. 29. Bondholders of the Shubert theatre here have decided they will not accept burlesque offers for use of the house. Spot had been operating burley for the past four years, but it's feared that continued use of the house for that field would lessen the value of the building.

Various offers have been made for the theatre's use. Izzy Hirst, burley promoter, was the only one prepared to lay cash on the line, however.

Will Weber Bankrupt

William S. (Will) Weber, niterly and general theatrical agent of 1580 Broadway, filed a voluntary petition in bankruptcy in the N.Y. Federal court last week listing his debts at \$6,678 and no assets.

Among the creditors named are \$160 for State income tax, 1937 and 1938; \$277 judgment to Ed Luntz, 1580 Broadway; \$150 commissions to Ted Nelson, 1650 Broadway; \$250 loan to Mildred (Tony Lane) Link, 209 West 48th st., and \$50 loan to Bob Krollog the same address.

Warners, Philly Tooter Union Reach Pact, Ending Threat to Close Earle

TROY, M'W'KEE, YOUNGSTOWN CAFES OPEN

Troy, Nov. 29. Ray Buckell has opened the Club Mirador in the Trojan hotel here, with the Sherman brothers and Tess's Swingsters as the show. Tom Walsh is manager.

Milwaukee's New Spot

Milwaukee, Nov. 29. New niterly, Lakota's opened this week under the proprietorship of Harry Lakota, with Johnny Strain as manager.

Entertainment to be arranged through Dick Pritchard, local cabaret booker.

Youngstown Niterly Reopens

Youngstown, Nov. 29. Shuttered after three weeks of Bavarian entertainment policy, which failed to click, Heidelberg Village, night club at Idora Park here, has been reopened with Al D. O'ris' band and a floor show policy.

Spot will operate nightly, except Sundays. Floor show talent will be changed weekly.

Ben Bernie Opens New Band Setup in Philly

Philadelphia, Nov. 29. Ben Bernie orchestra practically set for the opening of the Benjamin Franklin hotel's new named band policy Dec. 28.

Music Corp. of America handling the deal.

Philadelphia, Nov. 29. Warner Bros. threat to shutter the Earle at the expiration of the musicians' term Thursday night (4)—which even went to the extent of not booking a show to open this Friday (2)—melted last week at the final showdown with the tooters' local.

Set-to was actually over the pit band at the Fox, which remains left over from the days when the house had vaude. WB was anxious to get rid of the band entirely, as it's claimed to be unnecessary now, or at least cut it considerably. Union retaliated with a threat to take the band out of the Earle, where it's a positive necessity. Warners, however, announced it would shutter the Earle first. Result was an agreement in which the 35-piece crew at the Fox will be cancelled for 15 weeks each summer.

Prior contract called for cutting down to 15 men for the hot season. WB's original compromise offer was to slash the present payroll from \$1,690 a week to \$1,000, or \$52,000 a year. Under the present arrangement it'll hand out \$59,150.

Union gained one extra day of vaude a week at the Oxford for 10 pit men. House was formerly with vaude two days a week. Allegheny, Kent, Frankford and Alhambra continue with vaude on Fridays and Saturdays. The Earle contract remains just as it is.

Weekend Dates Booked For McGee in Midwest

Chicago, Nov. 29. Fibber McGee radio unit, with Jim (McGee) Jordan, Donald Novis, Billy Mills, Bill Thompson and Hal Peary, is booked through midwest for Saturday-Sunday dates on a 50-50 basis. Goes into Iowa theatre, Cedar Rapids, this weekend (3-4) and into Granada, South Bend, Dec. 10-11. Radio dates prevent other types of bookings.

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Baby Briscoe's Orch. Desoree Alexander, Joe Johnson, Slim & Eddie, Louis & Edna, Willie & Edna, Brown Twins, Jackie Mobley, John Le Rue, Higgins Family (Rep).

House spends 100 minutes with its show this week but doesn't get that much quality out of the bill. Comedy of John Le Rue and Jackie Mobley, plus suave M.C. Willie Bryant, does much to entertain but the ads in lineup constitute little more than stage waits. Name or semi-name band policy here has been whacked by presence of Baby Briscoe's all-girl orchestra, which obviously doesn't tax the house payroll greatly. Girls come in about midway and there the lag starts. They don't even play well enough to background acts besides. A local fave, Bryant, capable Negro m.c., holds an audience well. He's been here for a month and looks to stay. Desoree Alexander, diminutive, soprano, opens the bill. Joe Johnson, the show's producer, doubles this week, following Miss Alexander with a song. Pair then go into a dance routine with the line. Johnson's excellent timing with the girls is explained by fact that he created the difficult number. Slim and Eddie, tall and short dancers and tumblers, take deuce spot. Try too hard to be smart, but are only mediocre. The taller lad does most of comic stuff. He's dressed in dirty, misshapen white tails and has a deadpan. Smaller one is flashily dressed and confines himself to somersaults and flips. Brown Twins, girl duo, formerly at the Cotton Club, N. Y., turn themselves out of a nautical production number into a dance. They're lookers and offer a nice change from the stereotyped style. Lewis and Van, white male team, tap on pyramids and start to show the girls. They're smart in talk and because of uniformity in size.

Comedy blackouts are still blue in the hands of the glib Bryant and La Rue. Miss Mobley works in one blue bit without too much effort. She later works with doubletalk routine in an all-girl navy bit, in which the line girls are used, with Bryant as main attraction.

Three production numbers, besides finale, this week help to make up for the paucity of satisfactory talent usually found here. Show runs too long, band accounting for much of the time.

Hurt.

TOWER, K. C.

Kansas City, Nov. 25. Bernie Cummins Orch. Tommy Martin, Steve Evans, Three Sophisticates, Connie Barreau, Walter Cummins house line; 'Campus Confessions' (Par).

Stage show continues the policy of name bands, with Bernie Cummins who held the place at K. C. Muehlebach Grill several years ago. On less than an hour, the band's acceptable.

Cummins bats, m.c.s and warbles. Band is featured at the opening and later in a medley. From the orchestra Cummins offers Connie Barreau, torch singer, who's smart with her dance moves and past favorites. Walter Cummins, brother of the leader, steps out of the band to reveal a voice and style aimed solely at the male.

Tommy Martin exhibits his slight-of-hand well. Acrobatics are handled by the Three Sophisticates, a female trio, who open with a class front but quit their dancing for slapstick taping and gymnastics.

Steve Evans' strong impersonations include film favorites, Popeye and a drunk. His line is on for a brace of numbers.

Quin.

Embassy Newsreel, N. Y.

The Chinese holocaust with scenes of the burning cities of Canton and Hankow depict the hopeless struggle and a country laid desolate are unforgettable scenes by the cameramen of this week's reels. Undertones in world unrest follow up these scenes with solemn warnings from speakers at the anti-Nazi mass meeting which 22,000 attended, week's Madison Square Garden, and a plea by Archbishop of Canterbury for world peace at the annual memorial services for the foreign war soldiers at the Cenotaph in Whitehall, London.

Activity on the Spanish fighting front is but lightly touched upon, being confined to scenes of insurgent bombing from the air on the Ebro front.

Balance of the newsreels are evenly divided between oddities in the news and sports, fashions and two comedy subjects by Movietone's Lew Lipton. For sport fans all-American football selections and the Harvard-Yale, Columbia-Pennsylvania and N. Y. Giants-Green Bay Packers games are on tap.

Human interest topics take one behind the scenes at the annual winter opera opening at the Metropolitan Opera Company in New York, where Giovanni Martinelli, Lawrence Tibbett and Maria Caniglia are shown making-up for the stage. Good angle shots from the overhead

wings, opening scene and curtain congratulations complete a light-hearted interlude.

Society gets a break with a beagle hunt on Long Island, blue-blooded climbing fences and following the hounds on foot in chase of the elusive hare, and feminine interest will be held by fashion hints at the Melbourne and Paris in Australia and Movietone hints for summer beach and sport fashions.

Of general interest is a Chicago dog show, a colorful parade in Mexico City commemorating the 25th anniversary of the Madero revolution; tryout of new 'baby' motor car in France, which costs \$185 and scuttles about under the wheels of a truck and traffic protuberances; Christmas tree cutting and shipping in Oregon and Washington; distribution of clothing to the needy by an Kansas City merchant, which is an unusual food-Samaritan affair; and holding through of a 13-mile mountain tunnel in Colorado to supply water for the Pacific coast.

Prof. Lehr's humorous expositions this week are confined to the tryout of a rocket-bicycle and an ice-skating bear, the only one of its kind.

PALACE, CLEVEL.

Cleveland, Nov. 26. Yacopi Troupe, Marjorie Gainsworth, Red Dust & Robert Williams, Joe Brown, and the Hot Hot Hot Blue; 'Just Around the Corner' (20th).

House has been trying to avoid the vaude label by ballyhooing its third flesh show of the season as a 'personal appearance presentation.' But it's still good, old-fashioned vaude.

Ben Blue, not seen here since spring, has a couple of new bits that refreshen his routine. One is a take-off on the famous 'one-liner' French costumes and aided by two dancers, after the fashion of his 'College Holiday' scene. It's lively hoke carrying some hearty laughs, but the finale need French dancing, tantomonic steps, travesty on Russian dancing, and skit with a dime-a-dance gal are better timed and funnier.

Topper for Thanksgiving crowds was Red Dust's brilliant, trained clown, Ben Red Dust, who runs through a series of remarkable tricks that have more humorous showmanship than when last seen. The deuce spot is taken by the bill's real warmer-upper, a snappy opening with its flashy triple-somersault work from springsboards.

Joe Brown, who has been in the show and the team of Jack Holland and June Hart. Latter, who have used the same setting for three seasons, galvanize it with some of the slickest swing dancing and ballroom dancing the Palace has had this semester. Mid-air spins are so airy and expert that they would have been punchier than Ben Blue in the closing scene. Marjorie Gainsworth's pipes are golden-toned, but wasted in swing numbers that this house is tired of. Her Manhattan medley sustains interest. Holland and June Hart are more like what they want.

Show is okay but Nat Holt missed a good bet in not moving the pit orchestra on stage to provide a more vivid background.

Fullen.

SENATOR, PITT.

Pittsburgh, Nov. 25. John Boles, Brian MacDonald, Jerry Moeley, French Orch (B); 'Service de Luxe' (U).

Newest show on the Harris circuit is Loew's old Palace. With an amalgam of lux, Penn and Stanley, spot fell on lean days, drifting into slough pictures for Loew's and finally closing in 1934 for keeps. It's been a long time since the place was so well-leased didn't expire until last August.

Now remodeled at a cost of around \$130,000 and marking the 20th link in the reorganized Harris chain, it looks better than the old Aldine ever did, but can't hope to recapture that spot's big because times have changed. Theatrical center has been changed to a more modern one, and furthermore the Harris have no thought of keeping it on a permanent flesh policy. Main idea is to first-run product which the Harris outfit has contracted for, but can't use at its No. 1 downtown house, the Alvin, also to play latter's pictures, which warrant holdover. House seats 1,850.

Inaugural stage bill isn't really a presentation, but more of a concert. It consists only of John Boles, but he's better than the old Aldine ever did, but can't hope to recapture that spot's big because times have changed. Theatrical center has been changed to a more modern one, and furthermore the Harris have no thought of keeping it on a permanent flesh policy. Main idea is to first-run product which the Harris outfit has contracted for, but can't use at its No. 1 downtown house, the Alvin, also to play latter's pictures, which warrant holdover. House seats 1,850.

Boles is introduced by Brian MacDonald, a leading man and now a local radio m. c. He's accompanied by Jerry Mayhall's eight-piece house crew in a take-off on the famous 'one-liner' his song cycle without any preliminary gabbling. Starts with 'One Alone' then into the title tune from 'Rio Rico' followed by a quick change on stage into bowler hat and

Gay Nineties coat for 'Waiting at the Gate for Katie,' Winds up with 'Following the Sun Around.' Boles has a splendid voice and glib stage personality and could have easily done more, but the limit's 10 minutes and that's all it does. Senator no doubt figured chiefly on his name value as a lure for the get-away of a new venture and, as such, Boles fills the bill. House next week goes double-feature, sans stage show. Cohen.

Nite Club Reviews

Plantation Club, N. Y.

(Continued from page 42)

their knockabout-acro stepping. Conway and Katie, another made team, do well with one song and then prove they are better dancers than balladeers. Lillian Fitzgerald combines that with some 'hotcha' steps, and Betty Beasley, who can surmount her tapping number. Ross Collins, the Misses Beasley and Fitzgerald and Joe Adels lead the singing and dancing of the ensembles. Okay with the line. Fie introduces a new dance, 'Slap Happy.' 'Skeets' Tolbert's band, playing for dancing and show, is ideally suited to this room, not blasting as do many similar swing crews. Lee Simmons, former pianist and singer at the Ubangi, is manipulating the jivories between shows and the dancing to strong returns. Wear.

Shirra Sheridan is an alumna of the chorus, from accounts, who decided that there was gold in them that double-entendres, and she's proving it. First off, she is a fetching personality with a wide-eyed expression that almost wholly disarms the lyrical spice. Furthermore, the word-age isn't just dirty, it's clever.

Her opener, wherein she explains why she can't sing a dirty song, is a gem. Thereafter, accompanist Jones has taken 'Remember Me' and 'Weekend of a Private Secretary' and parodied them into rhapsodies. 'Former is a pert paraphrase, and the rhumba-rhythmed discourse is done a la 10th avenue. A credit to the writing and the interpretation. Nora Sheridan is new, but she'll be heard from pronto, especially in the smaller, boites which, being so-called, accept of a more where, in other environment, it might be deemed raw. That's just one of the vagaries of cafe society. Abel.

COLONY CLUB (CHICAGO)

Chicago, Nov. 26. Nan Blackstone, Hugo De Paul Orch. Jose Manzanera's Orch.

This place, built last year by Dollie Weisberg as a standard niter, folded quickly. It's now been reopened by Sonny Goldstone and Nick Dean, formerly associated in the Yacht Club here. These two have given Chicago a class spot that has plenty of atmosphere. Tariff is designed to keep out the college boys and the budget entertainment customers. The 42 minutes minimum doesn't come close to paying for the average check.

Other than the two orchestras, one a straight American aggregation and the other a Cuban and tango group, the only entertainment currently is Nan Blackstone, who has dignity, charm, showmanship and good material.

While Miss Blackstone retains plenty of material that has sex snap, she has nevertheless, polished her act into a routine that is as much blue stuff as has been eliminated, replaced by new shining lyrics that, while sexy, are not offensive. She rates as surefire for the smart spots in the key cities. As a pianist is a young pianist with whom Miss Blackstone occasionally tosses off some crossfire.

Among Miss Blackstone's top numbers are a pianolog impression of 'Rain,' the musical protest sketch, 'Ferdinand,' the Bull' and 'A Modern Lullaby.'

Hugo dePaul's orchestra plays for straight hoofing and as the floor show accompaniment. Jose Manzanera's is the rhumba group. The Cuban aggregation has plenty for the tangos.

VILLAGE BARN, N. Y.

Johnny Howard, Don Loper & Maxine Breen, Vera Fern, Viri Niva, Schnickelfritz Band, Jack Sherr Orch.

Schnickelfritz band, which heads up show here, is made to order for this type of niter. Its cornucopia novel twists and all-round stuff goes over big.

The Schnickelfritzers fit better in this environment than at the uptown Paradise, where they played some time ago.

Surrounding show is handled by Johnny Howard, a reasonable m. c. He has a nice voice and uses crisp quips to break monotony of introducing different turns. Standing out in surrounding talent is the dance combo of Don Loper and Maxine Breen, programmed as the De la Penhas, but who are introduced under their names. Two pertly-garbed dancers work every inch of the stage.

Viri Niva, billed as a Continental singing star, features Russian tunes but does equally well with a couple of American songs, including 'Make Believe.' She's attractively gowned and a looker. Vera Fern, petite brunet, does nicely with semi-acrobatic twists and high kicks.

Don Loper, a local radio m. c., is spotlighted for his one-man band repertoire, climaxing with clarinet and sax at same time. Orchestra is properly geared for the room. Paucity of floor show for the square dances and running the games for those who seem to go for that sort of thing. Barn has become a 'must' stop for out-of-town touring the Village. Wear.

NEW ACTS

NORA SHERIDAN With Allen Jones Songs 7 Mins. Le Reuban Bleu, New York

Allen Jones to Nora Sheridan is more than a piano player. He's her author, and that means he's more the 50% of Miss Sheridan's act, although she's a competent enough interpreter of the saucy lyrics he's fashioned for her. But it's the material primarily.

Morris Sheridan is an alumna of the chorus, from accounts, who decided that there was gold in them that double-entendres, and she's proving it. First off, she is a fetching personality with a wide-eyed expression that almost wholly disarms the lyrical spice. Furthermore, the word-age isn't just dirty, it's clever.

Her opener, wherein she explains why she can't sing a dirty song, is a gem. Thereafter, accompanist Jones has taken 'Remember Me' and 'Weekend of a Private Secretary' and parodied them into rhapsodies. 'Former is a pert paraphrase, and the rhumba-rhythmed discourse is done a la 10th avenue. A credit to the writing and the interpretation. Nora Sheridan is new, but she'll be heard from pronto, especially in the smaller, boites which, being so-called, accept of a more where, in other environment, it might be deemed raw. That's just one of the vagaries of cafe society. Abel.

DIZZY DEAN and BOB ELSON

12 Mins. One Palace, Chicago

Dean is a great diamond-attraction, and Elson has plenty of following as a baseball and sports speller over WGN and Mutual. But this baseball and other strength is not translated to the stage.

This is a typical 'personal appearance' in the dearest sense of the word. Since neither Elson nor Dean offer entertainment but merely a chance to get a load of Dean in person. He is interviewed in the same setup. Elson uses for his before-the-game gabfests at the ball park, but nothing happens. Dean tells a couple of anecdotes which have no particular punch for the general public, but he does seem glad to be with the Chicago Cubs. Then he names an all-star ball club. While he's catching his breath Elson tips the audience off to the way in which off-the-tape broadcasts are made.

At the show caught Dean kept shading his eyes to peer out into the audience, but he was counting. He gets up to 10, then he quits and laughs. He shrugs his shoulders, he's got a split figure to shoot at in his contract. He'll make more money in the pinocchio game backstage than he will from that sharing clause. Gold.

DICK and LEOTA NASH

Variety 13 Mins. Erie, Pa.

Nice-looking brother and sister act provide good medium-priced comedy fill-in turn. With a variety of talents, all pretty much good for chuckles, they sustain interest are satisfactory diversions without exhibiting anything sensational.

Get under way with a n.s.h. gag of attempting to sing through a dead mike and then turn to patter between them, good. Report to a bit of knockabout, kicking each other in the seat of humor, which is funny. They do it about as they do it. A burlesque of Ginger Rogers and Fred Astaire dancing, very good. Then, while gal skips off, he turns to spin-spinning and gagging, a la Will Rogers, getting in some telling laughs, in a slow, dry way of delivering. Femme returns recostumed to reveal oke gams, there's more chatter, knockabout and a flash finale of both skipping through a rope, which is good. Herb.

HAZEL FRANKLIN

Ice-skating 10 Mins. Duquesne Garden, Pitt

This 15-minute whiz from England is a miniature edition of Sonja Henie. Nothing quite like the young lady on ice aside from the incomparable Sonja and she's Miss Franklin's bound to be right up there with her in a couple of seasons. Kid has everything, looks galore—resembles Shirley Temple—and talent that requires plenty of hard work and training.

Nothing youngster can't do on the silver blades, and she makes it look graceful and simple. Takes the toughest spins in her stride, upright and in a sitting position; cuts every possible fancy figure; executes everything at amazing speed and does it all with class and showmanship that belie her years.

Kiddie is smartly gowned, too, which helps considerably, but in any kind of act, she'd be a sensation. Her roomy, Paucity of floor show for the square dances and running the games for those who seem to go for that sort of thing. Barn has become a 'must' stop for out-of-town touring the Village. Wear.

ERIC BLORE

Comedy 7 Mins. Earle, Philly

Famed 'gentleman's gentleman' of the screen making his first p.a. in this country this week following return from work on the WB lot in England. Booking was made at the last minute, and Blore evidences he had no opportunity to get anything in the way of material. With something to do and something to say, English comic would be a natural. As it is, although he works hard, he has nothing to work with, and he's pretty much an interlude. Whatever value he has is strictly from a marquee standpoint, certainly not from entertainment.

With his pleasing personality and his humorous English diction, Blore has a good start right off the bat. Trucking onto the stage to swing music it's ludicrous enough to be funny. But there it goes, Frankly admitting to the audience that the jokes and stories he knows are blab, he sets out to prove it and does, after a few duds, goes into a description of an international chess game as one of the network sports gabbers would do it. Follows with burlesque of English announcer doing the Grand National at Aintree. It's all very slow. Likewise his attempts at patterting ditties.

Better no doubt would be to drag in the names of some pix in which he has played and peepo peepo in the old stuff of doing a scene from one or more of them. Working as a gentleman's gentleman, with a straight-man act, the gent would also seem to have better material for keeping him in his element and gagging. Herb.

BURT LAYTON'S 4 FLIRTS

Dancing 10 Mins. Plaza Cafe, Pittsburgh

Pittsburgh dance instructor, Burt Layton, has picked out four attractive young femmes and worked out a flash dance act that looks like the goods. It's something on the order of the old two-a-day hoofing turns brought up to date and made to conform with modern niter requirements. It's also an act to theatre work but with a setup it's better suited to cafe floors.

Layton works along with the quartet, all of them able tap-terpers and with enough dancing to keep them going. He eliminates the curse of conventional. They start with a dance built around 'In My Merry Oldsmobile.' Dressed in old-time costumes and get the Gay Nineties suit across nimbly in footwork. Later come with gals in scanties and Layton tails and each of them carrying a miniature xylophone, on which they tap out minor little tunes between steps. It's cute and over big.

Flirts all good-looking, can also contribute a specialty ranging all the way from toe ballet to acrobatics. Versatile quartet is okay for anybody's floor. Cohen.

ROY ROGERS and Co. (3)

Cowboy Songs 17 Mins. Colonial, Lincoln, Neb.

Yokely will bite on a certain bashful charm possessed by Republic's singing star, Roy Rogers, who bowed in New York at the beginning of six weeks of personal appearances which will take him east to Boston. Rogers is no greenie on p.a.'s, having been the grandest of the hillbilly outfit. Son of the Pioneer, which, sans himself, rides with a screen contract at Columbia. With a fiddle, a sack, accordion, fiddle and mandolin, he sings five tunes from his four films so far, and throws in a little homely talk and homelier gags. All get over strong with the adolescent trade and satisfactory to the western clientele.

Rep is paying the freight on this tour to establish Rogers further, after his debut at the Pioneer, to breach last spring when Gene Autry was putting for more money. Barn.

Niter Placements

Onyx Club, N. Y., switched shows Friday (25) bringing in Merry Macs, quartet from radio, who make their night club debut, and the Pioneer; Dr. Sausage and Pork Chops, swing sextet; Jack Connors, vibraphone, and Jack Jenney's orchestra. Loreta Keller, Le Reuban Bleu. Paul and Grace Hartman return to Persian Room, Hotel Plaza, N. Y., Jan. 17.

Ruth Landi, Jane Manner, Vera Eck, Miss N.Y. No. 28. Dolly Davis, Bill Woodrow chirping at Hotel Lexington, N. Y. Jerry Kruger, swing songstress, recently at Famous Door, N. Y., torching at the Hotel N.Y. Dec. 13. Andrews Sisters, Belmont Plaza hotel, N. Y., Dec. 13.

Carol Bruce, recently at Midnight Sun, N. Y., switches to Hi-Hat Club, Chicago, Dec. 2.

DEARTH OF B'WAY SCRIPTS

FTP Believed Excluded from Cuts In Move to Slice N.Y.'s WPA Rolls; But Equity Ass'n Thinks Otherwise

That the order to reduce the Works Progress Administration personnel in New York would affect the Federal Theatre Project was not certain early this week. Understanding around the project's headquarters is that the cut applies only to those working on state and city projects. FTP is on a national setup.

Equity, however, believes otherwise and telegrams of protest were sent President Roosevelt and Harry L. Hopkins. A letter along more detailed lines went to Paul Edwards, Administrator in New York, stating that 25% of the membership needed relief jobs. WPA funds for the theatre project will be exhausted by March 1 and it's expected the next congress will make further provision for the FTP. No "pink slip" trouble has cropped up since last season. Early in the summer the theatre complement was ordered increased by 300 under a plan to tour the relief shows. This fall several have been sent to the road but only one new play has been presented on Broadway, 'The Big Blow' at the Elliott.

Reorganize Administration
With the idea of facilitating fresh presentations, a reorganization of the theatre project's administration in N. Y. has been made. Paul Edwards, the administrator, claimed the change is designed for efficiency and economy and that the cost per capita of operating the outfit is the lowest since the project started. Claimed a saving of between \$5,000 and \$10,000 monthly will be effected. Direction of production remains with George Kondolf but theatre (Continued on page 54)

Wee, McCoy Take Over Stone's 'Lightnin'' Tour

Maplewood, N. J., Nov. 29. Fred Stone's revival of 'Lightnin'', currently playing a week of one-nighters in the east, is being taken over by O. E. Wee and Frank McCoy, and will be presented next week at their Maplewood theatre here. Understood show was slated to fold Saturday night (3) in New Haven, but if it clicks under the Wee-McCoy sponsorship, it may resume on its present basis, with Stone reportedly owning the major share. Frank Bacon-Winchell Smith comedy had an engagement this fall at the Golden, N. Y., under the sponsorship of John Golden.

Suspend Cleveland Aud Aide for Irregularities

Cleveland, Nov. 29. Probe of irregularities at Civic Auditorium, which houses three of Cleveland's largest theatres, wound up with Superintendent Otto Holzinger being suspended for 30 days. Holzinger, who has held the job for 10 years, was blamed by auditorium's manager, Herbert Buckman, for 'loose practices.'

19 FOLDS IN 33 OPENINGS SO FAR

Paucity of Worthwhile Material Said to Be as Much a Problem as Legit's Lack of Picture Backing—Playwright Co.'s Indie Operation Also Affects Producers

'GUILD CLIQUE'

While certain influences are attempting to bring harmony to the Hollywood-Broadway situation, so that picture financing would be forthcoming to stimulate production, showmen think that acquisition of worthwhile scripts is just as much a problem as legit's lack of film backing. Equity is sponsoring a plan calling for the League of New York Theatres to seek action by a joint committee of authors and managers. But it has not yet brought favorable results. The League had negotiated the basic contract, cause of the breach, with the Dramatists Guild. Either side has the right to call such a session but there has not been one.

It's claimed that the playwrights have virtually taken over the committeeship, probably because the managers have been neglectful of their duties with the group. Charged that a clique in the Guild has been dictating who will attend union (Continued on page 50)

8 B'way Musicals Sing Out the News Of Largest % of Tune Shows in Yrs.; 'Syracuse,' 'Leave It,' 'Hellz' Tops

Really Counting Up

Since the cast of 'What a Life,' at the Biltmore, New York, began working on a co-operative arrangement, the players are taking exceptional interest in the show's takings. Not only does Ezra Stone, the juve lead, sit in the boxoffice before most performances to see how the ticket sale is going, but several of the cast have become adept at counting the house.

During a scene in the second act of a performance last week one of the players whispered that the total receipts for the night were just under \$600. Whereupon the other actor muttered, 'You didn't count the eight people who came in on passes, did you?'

With nine musicals current out of 24 shows, Broadway has the largest percentage of tune shows presented during the fall in years. Last December there were but three among approximately the same number of shows. The current musicals compare favorably in numbers to the boom season of 1927-28 when during the winter there were 20 musicals. However, the list then numbered more than 60 shows.

Three of the new musicals are grossing \$30,000 weekly and better. This figure has not been reached in some time. A fourth, too, is not far from that total. When legit was on high, and costly musicals had tops of \$5.50 and \$6.60, grosses often bettered \$40,000, and some reached \$50,000. But it's been some seasons since tickets were priced more than \$4.40. The current crop has four shows at that top for the first time in seasons.

Newest click is 'Boys From Syracuse,' which opened last Wednesday (23) at the Alvin, where the indicated pace is better than \$30,000. Show has already climbed to stardom business. 'Leave It to Me,' at the Imperial, and 'Hellzapoppin,' now at the Winter Garden, are the other front-runners, with the hold-

(Continued on page 55)

B'way Goes H'wood To Cast Musical Show

Hollywood, Nov. 29. Leighton Brill, here to recruit talent for a new Jerome Kern-Oscar Hammerstein 2d musical on Broadway next spring, expects to enlist 50% of the cast from film players. New York, Brill stated, hasn't enough available talent.

5 'Goddams' In Rice's Play Ires Boston's Censor

Boston, Nov. 29.

John J. Spencer, city censor, who has been consistently conservative and obscure since he took office January of this year, stuck his neck out for the first time when he looked horns with Elmer Rice, after the opening here of 'American Land-scape' Nov. 21.

Donald Cook, cast as a Hollywood scenarist, uttered 'goddam' five times in speaking to his stage wife (Rachel Hartzell) during the preem. That brought the city censors down on the play. Rice burned, claiming he read the news before being officially notified of the cut, stating that the 'public should be the judge' of what's blue and criticising the technique of the local censors in tipping off the press before the producer. It was reported that Rice stated he would never again bring a play to Boston, but this was vigorously denied by his associates here.

Spencer's version of the incident contrasts sharply with the claims of Rice and Alfred G. Munro, city manager for the Shuberts, who also registered a squawk. The censor told VARIETY that although the ban story was carried in the Tuesday afternoon papers, he had delivered by messenger notice of the deletions to Munro about one o'clock Tuesday afternoon. This is the customary procedure in notifying the management of censored scripts.

Spencer said the deletion was a routine matter since use of the Diety's name in that manner on a stage violates a city ordinance and carries a penalty of a small fine. It is his policy, he said, to censor the use of the Lord's name in vain in any stage show and had made similar cuts in other productions since he had stepped into office. This is the first time the publicity spotlight has been focused upon him, however.

Spencer is a newspaperman, himself, being on leave of absence from the Boston Post during tenure of his censorship office.

'American Way' Delay Due To Backing Angle

Money delay rather than the script is said to have postponed 'The American Way,' projected for the Center, Radio City, New York. 'Way' is planned to be the season's most costly production and calls for the year's largest cast. Stated this week that rehearsals would start by mid-December.

'Way,' which calls for 24 scenes, a cast of 70, plus 200 extras, was written by Moss Hart and George S. Kaufman. Sam H. Harris is the producer. The authors were also slated to be on the managerial end, as they have been in a number of other shows, but it's understood they are inclined to participate in directing principally, if not to limit their activities entirely, to that end. Both participated heavily in the production of 'Sing Out the News,' produced by Max Gordon, and are also in on 'The Fabulous Invalid,' which they wrote. After 'News' opened at the Music Box, following delays in Philadelphia, the duo stated their managerial yen was over.

Last season, however, Kaufman and Hart, who wrote the book for 'I'd Rather Be Right,' invested in that production and are still sharing in its profits in addition to the royalties from that show's high grossing tour. Cost of producing 'Way' was first estimated at \$250,000 but the estimate for costumes alone was \$32,000, indicating the show might double the original budget. Costume setup, however, was later reduced to \$50,000.

Among those said to be interested in the show is Gordon. A number of others who were expected to participate are not known to have as yet invested.

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Managers' League Calls Brokers To Explain Code 'Irregularities'

A number of Broadway theatre ticket-brokers were summoned to the offices of the League of New York Theatres last week and asked to explain certain code irregularities. Price excesses were not directly charged although in some instances it's been reported some accredited agencies who signed the code had taken a chance by charging \$6.40 for \$4.40 tickets sold over the counter.

It's been claimed, too, that other agencies have secured more than the permitted 75c premium, but under cover, such sales being made to customers with charge accounts, who demand and are ready to pay for service.

The League's secretary, James F. Reilly, questioned the broker and he appeared skeptical over the veracity of the replies. Because of the Federal regulations requiring the stamping of tickets resold by brokers, a checkup was made and it disclosed that certain tickets allotted to smaller agencies were repeatedly found to have been disposed of by unaccredited, or bootleg, offices.

Several brokers stated they had sold the tickets to persons whose identity they did not know, and insisted they received no more than the maximum permitted under the rules, and that they were not aware of violations.

Whether drastic action will be taken may depend on a meeting between the League's code enforcement committee and Equity representatives, which has been called for tomorrow (1). Session is scheduled as the result of Equity's recent request for a hearing to consider further ways to facilitate theatre-going, control ticket prices, motor car parking, transportation and other angles.

City resolution which would make it a misdemeanor to charge excess prices for tickets will be calendared by N. Y.'s council. Move is said to have the backing of Newbold, head of the Council.

SCHNEBBE HEADS B.O. GROUP FOR 3D TERM

Allen J. Schnebbe was elected for the third successive term as president of the Treasurers Club at the Astor, New York, Saturday (26). Box office people's beneficial organization also re-elected the other officers: Saul Abraham, vicepres; Harry B. Nelmes, treasurer; Harry A. Benson and Charles R. Bowman, financial and recording secretaries respectively.

Six members were named to the board for two years; Hugh J. McGauley, Frank Frayer, George Brassil, Jerry Flynn, Lep Solomon and Arthur Wright.

Bernard Klavans and Sam Granet, who have been in the organization 25 years, were voted life memberships in the a. k. division. Sidney R. Fleisher, attorney for the club, was made an honorary member.

John Ryland Dies in N. Y.; Broadway Figure

John Ryland, Negro, who has been with the Empire theatre, New York, since its opening in 1902, died in his sleep Nov. 25. He was believed to be about 70, but never would reveal his age.

Hired as an elevator runner, he became a Broadway figure and was known to hundreds of major and minor players. He made himself something of an institution around the theatre, but in recent years filled no clearly defined position, though he confined his work largely to the lobby and at show time acted as greeter to the thousands to whom he had become a familiar figure. He was far better known than most Broadway managers and newspapers had frequently written extensive stories about him.

In his early years he was an excellent trick bicycle rider and spent most of his luncheon hour practicing in 40th street, which in those days was comparatively free from vehicular traffic. A crowd used to gather each noon to watch his performance. His second wife survives.

IATSE Keeps Slate

Philadelphia, Nov. 29.

Entire slate of local officers of the International Alliance of Theatrical State Employees was renominated without opposition at a meeting of the membership last week. All will automatically be elected by casting of ballots by the secretary next month.

Thomas P. Mitchell, prez, and William J. Turner, biz agent, will start their fifth terms while Michael J. Sweeney, secretary-treasurer, enters his ninth. Other officers are Eugene W. Holmes, v. p., and Frank McCurdy, recording secretary.

Pay Dispute Won By Theatre Mgr. From Shuberts

Dispute over the salary of a house manager engaged by the Shuberts to handle the Mosque, Newark, N. J., was arbitrated Monday (28) with the Theatrical Managers, Agents and Treasurers union, acting for a member, Robert Preist, who was awarded the claim. Shuberts proposed to present musical revivals in the house but after securing a concession from Equity to play Sundays, the plan was cancelled. Preist, however, was on the job for one week before the revivals were called off.

Shuberts contended he was engaged at \$75 per week, with TMAT declaring the minimum salary was to be \$150 as the theatre is outside New York, where the scale is \$100. Arbitration was refused at first by the management but when the union advised it that provision for settlement of disputes was provided for in the basic agreement, the Shuberts assented.

EQUITY DISPENSATIONS

'Gloriana' Hiatus—'Blossom Time' OK'd 2 Weeks Layoff

Permission to close 'Gloriana,' at the Little, N. Y., after last night's (Tuesday) performance and reopen next Monday (5) was yesterday (Thursday) given producer Arthur Hanna by the Equity council. Blanche Yurka, star of the show, appeared before the council to explain that since last Saturday's (26) opening she had discovered 'certain themes in the original German text of the play that are not in the English translation. Show still had three unused days of rehearsal remaining when it opened.

Council also granted permission to John Shubert to lay off the touring 'Blossom Time' company for two weeks before Christmas instead of the customary single week. Producer stated that several weeks of midwest bookings for the show have been cancelled, but that he has two weeks of dates after Christmas. Okay was granted on condition Shubert pays transportation expenses for the cast to and from New York for the layoff, as well as guarantee the extra two weeks after Christmas.

Upon application of Will Geer, Trade Union Plays was given permission to present three short plays on a cooperative basis at matinees at the Guild theatre, N. Y., during the holidays, provided the Theatre Guild guarantees the front of the house expense as well as a week's Equity minimum (\$40).

Pair Eye 3 Cities For Production of Stock

Stock company is to be established in Memphis, South Chicago or St. Louis in about a month by two young showmen. It will be one of the few regular stock companies in the U. S.

In on the venture are William Castle and Warren Young. They are looking over the three cities. Idea is to use Equity members and, if large enough audiences can be found, to run each production two weeks.

Current Road Shows

(Week of Nov. 28)

'Able's Irish Rose,' Broadway, Maplewood, N. J.
'American Landscape,' Wilbur, Boston.
'Amphitryon'—'Sea Gull' (Lunt-Fontanne), Cass, Detroit.
'Blossom Time,' Hartman, Columbus (28-30); English, Indianapolis (1-3).

'Golden Boy' National, Washington.

'I'd Rather Be Right' (George M. Cohan), Auditorium, Chicago.
'Idiot's Delight' (Phil Baker), His Majesty's, Montreal.

'Lightnin'' (Fred Stone), McCarter, Princeton, N. J. (28); Playhouse, Wilmington (29); Community, Hershey, Pa. (30); Bushnell Auditorium, Hartford (1); Shubert, New Haven (3-5).

'Of Mice and Men,' Davidson, Milwaukee.

'On Borrowed Time,' Grand Opera House, Chicago.

'Our Town,' Locust St., Philadelphia.

'Pins and Needles,' Nixon, Pittsburgh.

'Shadow and Substance' (Sir Cedric Hardwicke), Masonic Auditorium, Rochester, N. Y. (28-29); Strand, Ithaca (30); Erlanger, Buffalo (1-3).

'Spring Meeting,' Royal Alexandra, Toronto.

'Susan and God' (Gertrude Lawrence), Harris, Chicago.

'Three Men on a Horse,' Shubert, Brooklyn.

'Tobacco Road,' City Hall Auditorium, Montgomery, Ala. (28); Bijou, Knoxville (29); Bijou, Chattanooga (30); Ryman Auditorium, Nashville (1); Columbia, Evansville (2); Hipp, Terre Haute (3).

'Torchbearers,' Biltmore, Los Angeles.

'What a Life,' American, St. Louis.

'Whitecaps' (Ethel Barrymore), Selwyn, Chicago.

'Women,' Cox, Cincinnati (27).

'You Can't Take It With You,' Convention Hall, Tulsa (27); Paramount, Amarillo (28); Majestic, Wichita Falls (30); Orpheum, Waco (1); Music Hall, Houston (2-3).

\$25,000 WORTH OF HELL; 'BACCY ROAD' SUIT

James Barton, star of 'Tobacco Road,' is adept and explicit in placing emphasis on slang or 'cuss' words called for in his part at 'Jeeter Lester,' and insists that his fellow players, including the ladies of the cast, must do likewise or he'll quit. This attitude resulted Monday (28) in Barton being named defendant in a suit for \$25,000 brought in N. Y. by Ann Dere, who claims she was practically fired from her role at the instance of Barton because she did not stress the word 'hell' in one of her lines.

Miss Dere, who has played the part of 'Ada' for over two years, avers that, following the performance of Oct. 30, Barton reprimanded her for failing to carry out his instructions as to how her line, 'You're a sinful man, Jeeter Lester, and you're going to hell,' should be spoken. She is reputed to have done no better at following performances, and Barton, she claims, informed the company manager that unless she was dropped he would quit the show. Miss Dere says she reluctantly tendered her resignation to take effect Nov. 19.

Barton is the only defendant named in the action. Miss Dere figures the play, which has run nearly five years, has an additional five years to go, and at the rate of her \$100 weekly salary, she figures her severance with the show would cost her about \$25,000.

'Prologue' Chi Fold

Chicago, Nov. 29.
'Prologue to Glory,' Federal Theatre Project import from New York, will close at the Blackstone Dec. 10. Local project plans Chicago company of 'Prologue' for tour of territory as far west as Denver.

FTP's 'Copperhead,' with Ian Keith, follows 'Prologue' into Blackstone.

Salt Lake's Musical' Stock

Los Angeles, Nov. 29.
Fred Hanson agency has booked 21 people for musical comedy stock at the Romy, Salt Lake City. Agency also took over bookings for the Orpheum, Ogden.

Strict Equity Supervision Resented By Legit Agents Still Seeking % Increase Due to Limited Jobs

Shows in Rehearsal

'Set to Music'—John C. Wilson.
One-Act Repertory—Grisman and Koslenko.
'Bright Rebel'—William Killeen.
'Everywhere I Roam'—Marc Connelly, Bela Blau.
'Merchant of Yonkers'—Herman Shumlin.
'Here Come the Clowns'—Eddie Dowling.
'Tribby'—Walter Hampden.
'Yes, My Darling Daughter' (road)—Royal Stout.

Legit casting agents in New York are inclined to resent Equity's new requirement whereby they must submit a monthly report detailing the engagements secured for actors on their lists and the amounts of their commissions. When the agency people talked it over, however, it was pointed out that when Equity discerns that their resentment is based on the limited number of jobs, the actors' association may change its attitude of being opposed to increased commissions.

Casters insist they face eviction from the business because their earnings do not even top the cost of office maintenance. While the reports to Equity will not include earnings from other amusements, the legit specialists say there is little work beside legit casting. Leading casters explain that they did have a fairly lucrative field from radio but with many major broadcasts moving to the Coast, that source of revenue has been considerably curtailed. Few of the legit agents say they do business with the night clubs. As for picture casting, there's little work in the east.

The agents placed their situation before Equity and, while it is known that part of the committee assigned to handle the matter favored granting an increase from 5 to 10% in commissions, when showdown came before Equity's council the body handily voted down the proposal. Equity then went further to tighten up the agency regulations and, in addition to the monthly checkup on the casters' earnings, warned the association's members faced a fine of \$500 or six months suspension if detected paying more than 5%.

Excessive Commissions? Feeling of Equity officers against the casters was not explained but it's believed that the practice of one or two in exacting commissions for non-legit engagements was regarded as excessive. Reports that the agents intended going to court to secure an opinion as to whether Equity could limit commissions to less than the percentage allowed under the law, have been discounted.

There are 29 legit agents with Equity permits, 20 being regarded as active, with balance doing minor business. Recently Equity cancelled nine permits for inactivity.

Equity Casting Dept. Reported that Equity may consider forming its own casting department, often proposed but as often set aside because of the possibility of dissatisfaction among members. Nearly 20 years ago Equity had a taste of such possibilities. When it took over the picture group the unit has a casting department. At times here were so many more members than available jobs that charges of discrimination were often made. Said that there were as many as 2,000 applicants for 20 jobs.

One Equity leader suggested that if the casters are to be paid an additional 5% it should come from the producers. In former times some of the leading showmen did their own casting and actors paid no agents commissions. In recent seasons the casters ask for the scripts and line up the cast for the managers, for which service they should seek compensation, it's said. Reason the agents have not carried out that idea is said to be the chance that kickbacks would be demanded.

Engagements

Flora Campbell, 'Angela Is Twenty-two'.
Franchot Tone, Sylvia Sidney, Elia Kazan, Jaffe, Roman Bohnen, 'Gentle People'.
John Dickens, Kalita Humphries, Richard Stark, Helene Freeman, Larry Siegle, Lee Childs, 'Everywhere I Roam'.
Rose Hobart, Phyllis Fovah, Margaret Dale, Alice Belmont-Cliffe, Naomi Campbell, Peter Campbell, 'Dear Octopus'.
Madge Evans, Doris Dudley, Russell Collins, Leo Chazal, Hortense Alden, Frank Gaby, Bertam Thoren, Ralph Banker, A. Van Buren, Jerry Austin, James Hays Thomas Palmer, Eve March, 'Here Come the Clowns'.
Glady's Henson, Moya Nussent, Kenneth Carlen, Penelope Dudley Ward, Hugh Francis, Maide Andrews, Rosemary Lomax, Angus Menzies, 'Set to Music'.

CEA Reps Seen Added to Equity Council Next Yr.

Equity council recommendation last week, to grant council representation for Chorus Equity Assn. is expected to add five CEA members to the council. This would give the groups a total of 55 councilors. Choristers, however, cannot be so placed until the constitution of both Equity and the chorus branch are changed to permit the inclusion. Amendments necessary will be voted on at the annual meetings next summer.

Although Equity contemplated absorbing the chorus branch, that move has been definitely shelved. Understood that matters pertaining to the chorus group frequently arise and its representative quintet will vote on such matters. Otherwise, they may attend sessions but only as observers.

Marilyn Miller's Estate

Transfer tax appraisal on the estate of Marilyn Miller, filed yesterday (Tuesday), listed the late dancer's gross estate at \$97,407 and a net of \$47,373. Her mother, Mrs. Ada Thompson Miller, is named as beneficiary of the residuary estate. She is now in Hollywood.

Miss Miller's husband, Chester L. O'Brien, is not named in the will, but was listed as beneficiary of one-half the net-estate under the decedent's estate law.

3 Shows Fold

'Where Do We Go From Here' folded at the Vanderbilt, New York, Saturday (26) after playing two weeks.

WHERE DO WE GO FROM HERE

Opened Nov. 15, '38. Critics called the turn on this, none liking it. Coleman (Mirror) said it was 'a good attempt that just missed'. Mantle (News): 'It doesn't work out so well as entertainment'. Variety (Hobe): 'Doubtful prospect for success.'

'Ringside Seat' was withdrawn from the Guild on the same date.

RINGSIDE SEAT

Opened Nov. 22, '38. Critics gave this little chance. Watts (Herald Trib): 'Pretty disappointing stuff'. Lockridge (Sun): 'Somehow doesn't jell.'

'Good Hunting' was yanked from the Hudson Nov. 2 after the second performance.

GOOD HUNTING

Opened Nov. 21, '38. Anderson (Journal-American) gave it until Saturday (24) night to fold. Comments of all others were in like vein. Variety (Hobe): 'A dud.'

Plays Out of Town

IDIOT'S DELIGHT

(PHIL BAKER)

Montreal, Nov. 29.

Phil Baker, revitalizing the role of the hooper in 'Idiot's Delight,' scores a distinct personal triumph at the local His Majesty's in the part originally created by Alfred Lunt. For Baker the role is a natural, and he brings to his first legit role a restraint and nuance that is commendable and astonishing considering his background of radio, musical comedy and vaudeville. The play, which starts this summer in several straws, Baker's small time hooper characterization is a standout and remarkably lifelike. It's an entertaining picture of a guy who used to park on the 'Palace beach' in the days of big time vaudeville. The shrewdness of the typical No. 2 act is delivered with nonchalance and enormous self-assurance, which may be attributed almost as much to Baker's personal experience. Swell trouping is to Baker's credit.

Cast is uniformly excellent with Olga Baclanova and Charles La Torre contributing noteworthy characterizations.

Baker is barnstorming to the Coast, expecting to open in Los Angeles New Year's. Naturally, the play is a particularly striking recounting of the intimate life of a person, but likely to do better on the American side than in Canada. Mori.

FRONT PORCH

Cleveland, Nov. 26.

Comedy-drama in three acts, six scenes, by Langston Hughes. Directed by Russell Jeffine. At Karama theatre, Cleveland, Nov. 26, 27, 28. Cast: Ewittie Woodford, Eugene S. Stine, Robert Williams, Henry Jackson, Curtis Tann, Elmer Brown, Guy Levin.

Sixth new play by Langston Hughes, Cleveland Negro poet and dramatist, who turned out 'Mulatto' and 'Little Ham' in the past year, in which he takes up problems of the upper-class Negro. This contrast is significant. But from Caucasian standards, 'Porch' doesn't seem enough dramatic meat or freshness to click, although author's rep drew a white carriage trade here on opening night.

Chief character is an ambitious widowed Negro school teacher who is sending her three children to a university. She dominates them like a despot, owns her own home in a white section and won't let 'poor trash' get past her front porch. Although fanatically proud, always trying to raise the ideals of her race and youngsters, the mother can't stop what is a misalliance from her viewpoint. She wants her oldest daughter to marry a rising but stuffy medical student, who is tossed into the juar what is a misalliance from her viewpoint. She wants her oldest daughter to marry a rising but stuffy medical student, who is tossed into the juar what is a misalliance from her viewpoint. She wants her oldest daughter to marry a rising but stuffy medical student, who is tossed into the juar what is a misalliance from her viewpoint.

Situation is pretty naive and action rather elementary. Dialog is repetitious, too, but it gets over some wise-cracks about the N.L.R.B. (Nothing Like Roast Beef), workers' rights and unfair attitude of whites toward educated Negroes. Takes the slant that the latter must blame themselves if they don't forcibly improve their lives and wages.

Hughes intends producing 'Porch' in his new Harlem shoestring theatre in New York next month. It may be a better play than the one he chops out the clichés and doctors up the lines with more inflammatory speeches. Glibness do a thoroughly satisfactory job in all parts, but they aren't robust enough for them. Fullen.

Paradise Plantation

Pasadena, Nov. 25.

Drama in five scenes by Shirland Quin. Presented by Pasadena Playhouse. Directed by Thomas Browne Hines. Cast: John Riva, Frank Linden, Frank Wilson, Alan Reid, Eleanor Elliott, Constance Campbell, Paul Macey, Victor Mature, Margaret Woodley, Julia Caze, Doris Kern, Domingo Ramirez, Arliano, Robert, and other. At Pasadena Playhouse, Pasadena, Cal.

Pasadena Playhouse became of age with this one-act play, since the first play was produced there. That's more than can be said of Shirland Quin's piece about life, love and superstitions among the cannibals of Hawaii. It limps badly due to a poor script and equally deficient acting.

Authors tried to make something of a native boy going on the make for the plantation boss' frau when he's pressed into service to model

VIOLET CARLSON

as the Star of

"ROSE-MARIE"

ROYAL THEATRE

SYDNEY, AUSTRALIA

YIDDISH PLAY

MAZEL TOV RABBI

Operetta in two acts (7 scenes) by Anshul Schore, presented by Menachem Rubin; staged by Irving Honigman; music, Joseph Jentia; lyrics, Pauline Hoffman; dances, Lillian Shapiro; settings, Michael Shtizman. Opened at the Public, N. Y., Nov. 24, 88; \$2.20 pop.

Mozel,.....Menachem Rubin
Hurtle,.....Pauline Hoffman
Pearl,.....Gertie Bulman
Harris,.....Irving Honigman
Genendie,.....Tillie Rabinowitz
Sam,.....Jacob Wexler
Walter,.....Anna Toback
Aron,.....William Scudder
Chaske,.....Leon Gold
Tefka,.....Menasha Skolnik

for the dame's sculpting itch. Jealous Filipino housegirl, paramour of the Apollo, and several other incidents. The play was advertised as a world effort to create dramatic force. Superstitions of the natives are ineffectively dramatized. The play was advertised as a world premiere. It's a small world, for it'll never get out of Pasadena. Helm.

Plays on B'way

(Continued from page 48)

but is much too thin for Broadway. Here, it's possible B-picture material.

'Ringside Seat' is curiously like a B-picture in its present form. It has all the desperately-eager appearance of material in just the right plot here for a lurid pulp mag thriller, with an innocent murder suspect, his beautiful, loyal wife, a Rover reporter and his typically-ingenue heart-throb, a couple of villains, several comedy characters, a flock of atmosphere, and, above all, a pathetic air of complete implausibility about the whole thing.

It's obviously a result of one of those instances when someone said (probably over the second highball) that there's good comedy-melodrama material in the antics of the morbid thrill-seekers who swamp a small-town hotel during a local murder trial. Well, there is undoubtedly some material in it, just as there is good material in almost anything for the skillful craftsman. But Leonard Ide (with unhelpful collaboration by Phil Dunne) has made it into 'Ringside'. There are several plays on the same theme going the rounds. One, 'They Took the Town', was held for a time by Sam H. Grisman, but nothing has been heard of it lately.

'Ringside' is a single-act, with an extensive cast, though only one name, Grant Mitchell. Actor, who returned from the Coast to play the part, is a pompous, know-it-all busybody who spends his life scurrying around the country with his wife and daughter to attend all the more sensational murder trials. He's a demon for ferreting and remembering all the angles and at the drop of a dime he's ready to stick to the best criminal lawyer in the business. That's good stuff for a farce, and so is the ludicrous sight of the good men and true who trapse back and forth to the hotel lobby on their way to and from the jury box.

But that's about all it has been able to bring off. Even those exceptional bits are fumbled by the staging of producer Rufus Phillips (reportedly with an assist by Leonard Ide), and the rest is pure claptrap or second-rate crime novel vintage. There are more incidents and clues than J. Edgar Hoover could keep track of, but no motivation, no logic, no explanation. As a payoff, when there's a shooting in the hotel lobby, the reporters swarm into their telephone room to call their offices. All they're all phoning the same story it sounds like a slight exaggeration when one remarks that 'this is the biggest scoop of business of the year', immediately topped by one of his rivals who, in true Hollywood tradition, screams into the telephone the order to 'ring the page'.

Although he had trouble with his lines opening night, Mitchell is fairly believable and surprisingly fully at the times overlaps rather painfully. But he's not nearly as good as everyone else in the cast does like-wise the fault must lie in the staging. Phillips obviously doesn't give his audience credit for any imagination, so wallows every point with a sledge hammer.

C. Pat Collins is outstanding as the arch villain merely because he underplays while everyone else is belaboring every line and every piece of business. Of the others, Louise Larabee is an acceptably noble heroine. Lucia Seger is plausible as Mrs. Murder Trial Fan, while Roy Roberts is sufficiently poisonous as the reporter who mugs them out of the police. Lawrence L. Goldwasser's setting is realistic. Hobe. (Closed last Saturday (26); printed for the record.)

'Night' 2½, B'klyn

Brooklyn, Nov. 29.

'Night Must Fall' at Shubert garnering profitable coin. WPA production of Gilbert and Sullivan operetta at Academy of Music also doing well.

Brattleboro opens tomorrow (30) with new play, 'If You Get It, Do You Want It?'

Estimate for Last Week: 'Night Must Fall', Shubert (1,750; 25-65). Pleasing business at \$2,500.

Gilbert and Sullivan Operettas, Academy of Music (40-75). Good response.

Inside Stuff—Legit

Proposal to establish a new theatrical club to be known as the Theatre Arts Center has been placed before several professional organizations that have been asked to aid the movement. Fact that membership would be open to both sexes is a feature that differentiates it from the other show biz clubs, such as the Lambs, Players and Friars. Sponsors say the establishment will include swimming pool, gymnasium and quarters for meetings.

Question has been raised as to whether such a club could operate successfully with dues of \$60 per year, the rate planned for the center. It's hoped, however, to secure 100 or more life memberships and to raise funds elsewhere rather than look for initiation fees to provide working capital. Pointed out that several theatrical clubs were financially embarrassed because they had heavy carrying charges and bond liabilities.

Claimed that the new club has optioned a building on West 43d street, New York, which could be remodeled at comparatively moderate cost. Intended to open the membership to professionals of all amusement fields and to establish the spot as a place to gather for business and recreational purposes, rather than the social end. It's hoped that the club will eventually despite the unemployment of many artists. Records show that less than half the memberships of some theatrical organizations are working regularly.

Recent postponement of 'Lorelei,' which opened at the Longacre, New York, last night (Tuesday), is said to have entailed a \$15,000 expenditure over the sum spent up to the originally scheduled premiere. Cast was on full salary two weeks prior to the debut, free rehearsal period of four weeks having been exhausted.

Final scene was reinserted and considerable script revisions are reported with the idea of bringing the play up to contemporary dates. Sir Cedric Hardwicke commuted from Philadelphia, where he showed in 'Shadow and Substance,' to assist in the direction of 'Lorelei,' in which he's interested financially, along with Richard Rogers, Richard Aldrich and Dennis King. Drama by Jacques Deval is anti-Nazi.

Two plays which were withdrawn after trying out are due to reach the boards again—'Window Shopping,' which brought George Sidney from the Coast, and 'The Flying Ginnings.' Script of the first has been considerably revised. Title of latter will probably be changed. Hugh O'Connell, who returned from Hollywood for 'Run Sheep, Run' (closed), is mentioned as the new lead.

'Ginzburgs,' a comedy about vaudeville, fared mildly in Boston. 'Here Come the Clowns,' due next week at the Booth, New York, has a similar background. Several vaudevillians are in the cast, including Eddie Dowling, its presenter.

'Finger in the Pie,' new musical Eddie Dowling has acquired for spring production, has libretto by John Monks, Jr., and Fred Finkelhof, co-authors of 'Brother Rat,' and music and lyrics by Charles Gaylor. It's a first show for latter, who for the last five years has been writing revues for community theatres in Indianapolis and Pittsburgh. In latter city, his 'Hold Your Hats' last spring, for which he did both sketches and tunes, drew raves in newspapers when it was done there for several weeks at the Playhouse. 'Finger' was turned out this summer by the trio in Bermuda and both Max Gordon and Marc Connelly were said to be giving it the once-over when Dowling closed the deal.

William Faversham, former stage star, who's a guest at the Percy Williams Home, Islip, L. I., is making appearances before civic and women's organizations in Long Island communities. His addresses have attracted the attention of Federal Theatre Project people.

Reported the WPAers have not accepted with relish Faversham's criticism of the relief outfit and question his knowledge of the Project. He's quoted favoring the Government supporting the theatre, but has said that the Project's director, Hallie Flanagan, was of amateur background and that the post should be handled by one of professional standing.

Gag pulled by Connie Nickerson, ingenue-lead in the road company of 'What a Life,' during the show's Boston run early in the fall, brought her an unexpected response. In a radio interview the actress was asked if there was a romance in her life. She answered there was none, but that with Harvard University so close, she had hopes. Next night nine Harvard students showed up at the stage door after the show. Having put herself on the spot, Miss Nickerson was as good as her gag. She accompanied all nine for a midnight snack.

Legit managers have been asked to recognize a so-called service union consisting of cleaners and porters employed in theatres. Union will present its contentions to the League of New York Theatres tomorrow (Thursday). Sometime ago, when seeking recognition, the union claimed 60% of such employees were members but a check is said to have indicated only 5% membership. Same union, however, is said to have secured a 10-year contract with a group of midtown film theatres.

On behalf of the American Theatre Council, Ned Armstrong is writing a weekly theatrical bulletin, reporting the activities in Broadway theatres. New shows due to open and those touring, or about to take to the road, are also included. Indicated that about 20 out-of-town papers used parts of the first two bulletins. Armstrong, who's press agent for 'Kiss the Boys Goodbye,' at the Miller, N. Y., has also written an article about the play and author. It appears in the theatre program.

Theatre parties aggregating \$39,000 were contracted for by the Group Theatre before 'Rocket to the Moon' opened last Thursday (24) at the Belasco, New York. Not all will apply to that house, however, since it's planned to move 'Rocket' to the Windsor next month to make way for the Group's 'Gentle People.' Latter, by Irwin Shaw, is due around the holidays.

Sneak thieves scaled the fire escape of the St. James theatre, New York, where 'Hamlet' is now current, on two occasions last week, entering dressing rooms to take from the wallet of one victim and a small sum a few nights later from another. Thiefs are said to have occurred ever since the theatre's construction as its fire escapes afford easy access to the dressing rooms.

Oscar Hammerstein, who has dropped the 2d from his name, presented 'Glorious Morning' at the Mansfield, New York, Saturday (26) in association with Michael Hillman, who heretofore had not been identified with show business. Reported that the show has the backing of a wealthy South African.

Unusual distinction of originating three roles in three current hit plays falls upon Arthur Gould-Porter, at present in 'Oscar Wilde.' Actor was the queen's secretary for two seasons in 'Victoria Regina,' leaving to take part of 'Flossie Nightingale' in 'Bachelor Born' for one season, and finally switching to 'Wilde.'

Edward Curtis Jordan asks that a correction be made in the obituary notice of his wife, the late Carrie Brauneck Jordan. Her home was in Ridgefield Park, N. J., and not Ridgewood, as stated.

Cohan's \$43,200 in Chi Auditorium Smashes Records; 'Susan' Again 19C

Chicago, Nov. 29. George M. Cohan, making his legitimate marks for Chicago when he jammed \$43,200 into the Auditorium for the first week of 'Td Rather Be Right' (1,400; \$2.75). And there is more indication of the show will also stick above the 40 grand mark. It was unquestionably the swankiest opening in years here, and that takes in even the opera. Continuous lines at the boxoffice, and there isn't a really good seat left for the remainder of the stay. Brokers are snatching each other a snatch off a pair of decent seats.

Force of Cohan in the 4,500-seat arena dropped the Graduate Law-rence show to a poor second in gross marks, but 'Susan and God' was nevertheless a wow in its own right with a \$19,000 again, helped by the extra turkey day mat. Show will stick until end of year, though it could manage several more months easily at the present pace.

Folies of the 'On Borrowed Time', which closes up shop in the Grand on Saturday (3) with the cast returning to New York, could be a generally mild-out-week limp, though the final session is perking on closing notice.

'Of Mice and Men', which startled the American Theatre Guild subscribers and convinced them that maybe the legit stage is not as 'proper' as it might be, quit Saturday (26). Show went on to \$19,000, and points northward. Will lay off the week before Christmas and then open in Detroit.

Replacing 'Of Mice and Men' in the Selwyn was 'The Grapes of Wrath', which opened last night (28) for a three-week stint, and will be followed by 'Shadow and Substance'.

Alfred Lunt and Lynn Fontanne will do four weeks of 'Amphitryon 38' starting Dec. 5 in the Erlanger, the first two weeks for the American Theatre Society. Shows will close, and then will lose off a fortnight of 'Sea Gull'.

Estimates for Last Week
'Td Rather Be Right' Auditorium (2d wk) (4,500; \$3.30). This may be a stadium, but there weren't enough seats, due to the sensational demand for a chance to squint at Geo. M. Sold out. Shows the raters for a remarkable \$43,200. Show will do well over \$125,000 in its three weeks here.

'On Borrowed Time' Grand (4th and final week) (1,400; \$2.75). Was disappointing, and quit Saturday (3). Better than \$8,000 on the session, mostly from the upstairs customers.

'Susan and God' Harris (7th week) (1,000; \$2.75). Extra mat night and an \$1,500, driving the gross up to near the \$19,000 figure again. Sensational take and will stay to end of the year.

'Whiteoaks' Selwyn (1st week) (1,000; \$2.75). In for three weeks, and should do okay on Ethel Barrymore rep. Opened Monday night (28).

WPA
'Prologue to Glory' Blackstone.
'The Mikado' Great Northern.

'ROAD' HITS BIG 15C IN ATLANTA; NEAR BAN

Atlanta, Nov. 29. 'Tobacco Road' closed its road engagement at the Erlanger here Saturday (26) after eight big days which saw a \$15,000 gross once it was clear of censors and courts thanks to heavy publicity.

A week before show opened here City Council empowered board of reviews, usually composed of five, to pass on showing here. Group demanded a preview and turned down the show. Manager secured a temporary injunction but court later made injunction permanent, holding that ordinance governing show was void.

'Women' Hits Okay 12G, St. Loo, Despite Opposish

St. Louis, Nov. 29. Despite stiff opposition, furnished by a five-night stand on Sonja Henie ice revue and the annual Thanksgiving Day football game between Washington and St. Louis University for the city championship, 'The Women', in 10 performances at the American theatre, the town's only regular, did nicely last week. It was a repeat draw.

Rev. Mary Ellis, morals crusader, on the east, disapproved 'Women', while the show got raves from crux and theatregoers.

Estimate for Last Week
'The Women' (American) (1,707; \$1.65). Collected \$12,000 for 10 performances, nice considering stiff opposition and two snowy days.

'Women' Registering In Cincy; 'Blossom' \$7,000

Cincinnati, Nov. 29. Second biggest take of the local legit season is being registered this week by 'The Women', which opened Saturday at the Cox for nine performances at \$2,750 top. Dandy advance sale points to a \$12,000 gross.

Estimate for Last Week
'Blossom Time' Cox (1,335; \$2.26). Perked out to a disappointing \$7,000.

'LADY' 12G, HUB, 'LANDSCAPE' \$5,000

Boston, Nov. 29. 'American Landscape' remains here until today (30) and then the Hub will have a legit fame until Dec. 12 when 'Merchant of Yonkers' comes in with nine. No other attractions set after that until Noel Coward opens his 'Set to Music', starring Beatrice Lillie, Dec. 26.

'Landscape' third of the Playwrights' plays this season, opened to a mixed press and tepid b.o. reception. 'Great Lady', a musical that wasn't being undergirded pre-Broadway revision in road towns to the tune of time grosses, was given a hearty press welcome and a very encouraging patronage by the showgoers. While 'Great Lady' now looks ready for a Broadway plunge, 'American Landscape' was not in satisfactory shape by week-end, and the extra three days were announced.

'Charles Waldron, playing a lead marked by several long speeches, is reaping great credit for learning his part on 'Charles' note when Dar-then Byron had to quit 'Landscape' rehearsals because of illness.

Estimates for Last Week
'Great Lady' Shubert (1,500; \$3.00). Accorded flattering reception by crux and tallied encouraging gross in its week of seven performances, without serious opposition. Football mob Angeles Saturday take. Total around \$12,000.

'American Landscape' Wilbur (1,227; \$2.75) (1st wk). Consensus here is that smugly and devoted on wise revision and clarification. Some crux thought it preached too much. Improved steadily through week, and more chance will be made during extra three days. Closes Wednesday (30). Benefit Tuesday (22) for German refugees sliced \$2,000 off the 'road' gross, leaving tally around \$5,000; away under expectations.

Torchbearers' \$5,000 In Frisco Too Slim; Out
San Francisco, Nov. 29. 'Torchbearers' folded at the Curran Saturday (26) after two weeks of disappointing business. Company, headed by Constance Collier, went to Los Angeles for two weeks at the Biltmore. WPA 'Murder at the Cathedral' closed at the Alcazar theatre on the same night as George Takei and his stuff, and will run for two weeks in the East bay.

Estimate for Last Week
'Torchbearers' Curran (1,771; \$2.75) (2d week). Revival of this comedy failed to set town on fire and folded after two disappointing weeks. Second week lucky to get \$5,000.

WPA
'Murder in the Cathedral' Alcazar (1,269; \$1.10) (2d week). Best thing the local Federal Theatre Project has done in a long time. Turnout from colleges and churches was fine and business was good.

New Haven Has Seen 'Idiot'; Baker \$2,500
New Haven, Nov. 29. First road stand of Phil Baker's 'Idiot's Delight' took, at pop prices, drew a big figure last week, and end. Mild b.o. attributed to the fact that the Lunt-Fontanne combo played the show here previously, also that Baker did his stuff in the strawhuts during summer. Critical comment on production was favorable both from press and public.

American Landscape, set for current half week, Nov. 28 to 30, was cancelled in order to shoot show directly to Broadway. House has 'Lightnin' for Dec. 2 and 3 and no future bookings.

Estimate for Last Week
'Idiot's Delight' (Shubert) (1,600; \$2.20). Around \$2,500 on four performances meant plenty of vacant spaces.

'DIFFERENT' FOLDS TO \$8,000, WASHINGTON

Washington, Nov. 29. Nobody is seriously blaming either the local critics or the local theatre-goers, but Capital is bidding to ruin its finally-recognized status as a swell try-out town the first season it is really capitalizing on it. Out of nine weeks so far, six have been pre-Broadway polishings, with three hits and three flops.

Although score apparently is even, what has boys worried is not only that last three shows were flopped, but that they folded here. Makes crux about the graveyard of the theatre a little too easy. Sting is somewhat removed, however, by fact that all three flops were skedded to quit even before they arrived.

'I Am Different' got usual swank first-night turnout, but word-of-mouth and disappointing reviews killed it. Tullulah Bankhead just in a lick in 'Yankee Fable'. Katharine Cornell stands as only one of trio of femme stars whose personal rep could offset bad play. Hilda and Marianne collecting twice what Bankhead and Claire mustered.

'Golden Boy' comes in this week with 'Pins and Needles' to follow Dec. 5 and 'Our Town' Dec. 12.

Estimate for Last Week
'I Am Different' National (1,689; \$2.50)—Tullulah Bankhead unable to offset disappointing notices and ditto word-of-mouth. Play folded here with approximately \$8,000.

'SHADOW' \$12,000, 'TOWN' 14 1/2G, PHILLY

Philadelphia Nov. 29. Two heavy snow storms knocked gross of last two weeks considerably under expectations. But all the houses reported okay patronage thanks to the out-of-townners and the curiosity of those who were willing to take a chance on the municipal snowbanks.

Mask and Wig Club's 51st annual production, 'All Around the Town' has a crack cast, including a 240-lb. lanker, getting \$27,500. Walter Hampden is in at house now for two weeks, starting with 'Trilby'.

Big word-of-mouth for 'Lightnin' at the Chestnut, 'Our Town' at the Locust, and 'Shadow and Substance' at the Forrest. Box office activity was unprecedented, but spread around there was money enough for all three.

Estimates for Last Week
'Shadow and Substance' Forrest (2d wk) (2,000; \$2.85). Return engagements did not try-out figures, but went to okay \$12,000.
'Lightnin' Chestnut (2d wk) (1,800; \$2.85). Not what was expected, but gross of help from holiday despite storms, \$9,500.

'Our Town' Locust (1st wk) (1,700; \$2.50). On subscription, and topnotch notices, \$14,500. One more week.

'All Around the Town' Erlanger (1,800; \$2.85). Wiggers got swell publicity and reviews. Ideal week for their show, despite bad weather, show hit \$27,500.

'CAN'T TAKE IT' \$6,500, K. C.; 'JUDGMENT' SET

Kansas City, Nov. 29. 'You Can't Take It With You' in a two-day stand in the Music Hall of the city auditorium ran up a \$6,500 gross with two performances.

Thanksgiving and an evening performance Wednesday. Total returns very satisfactory in the face of extreme holiday competition. Also, it's the second appearance here for the company, show having played for a week last season. Heading west for dates in Tulsa, Wichita and Oklahoma.

Resident Theatre's second production of the season, Elmer Rice's 'Judgment Day', opened Monday night to a sell-out house (4th week) and had sell outs in advance for two following nights. Play was originally set for 10-day run, but in view of opening, an extended run is planned.

Organization has a subscription list of 1,800 and individual admission is set at \$1 per head.

'EDNA' OK PORTLAND

Portland, Ore., Nov. 29. Cornelia Otis Skinner rated a terrific advance sale for her two-day stand at the Portland Theatre. Management of William B. McCurdy. At \$2.65 top, indications are for a heavy gross. Miss Skinner presents two plays, 'Edna' and 'Wives of Henry VIII'.

B'way Musical-Minded with 'Leave It 35 1/2G, 'Hellzapoppin' \$31,000, 'Syracuse' \$30,000; 'Hamlet' 19C

Out of six premieres on Broadway last week the majority was disappointing, but a new musical standout proved the exception. One other arrival rates a moderate chance. Of the remaining quartet, two were quickly withdrawn and the other pair extremely doubtful of sticking.

The new so-called attraction is the musical, 'The Boys from Syracuse', which drew a strong press at debut at the Alvin, with some notices of opening night, attention jumped to opening night, and indications are the gross will top \$30,000 this week (show opened Wednesday, 23). 'Syracuse', therefore, assumes position among the list's leaders.

'Leave It to Me' held the number one spot in point of gross, with takings over \$55,500, which included standees for all performances during the second full week. 'Hellzapoppin' went close to \$31,000 by playing two extra matinee performances, and the big three will ride through the season.

Last week started mildly, but what was Thanksgiving there were excellent grosses registered, even though heavy snow on the holiday night helped the final two days' business.

'Kiss the Boys Goodbye' topped \$17,000, with 'Our Town' getting nearly as much, both playing nine performances. 'Hamlet' got its best take so far for more than \$19,000. 'Abe Lincoln' however, which held the lead among straight plays with another \$21,000 total.

'Rocket to the Moon', Belasco, was best of the straight shows which entered last week. Drew a fair press at the Thursday debut, though advance reports were hardly borne out. 'Gloriana', at the Little, and 'Glorious Morning', Mansfield, opened Friday and Saturday, respectively, both getting thumbs down notices. 'Good Hunting', Hudson, and 'Ringside Seat', Guit, opened last week, but both being withdrawn. In addition, 'Where Do We Go From Here?' bowed out of the Vanderbilt.

Dec. 1 night check: 'Here Come the Clowns', Booth, and 'Spring Meeting', Morosco, with a WPA'er, 'Androcles and the Lion' (colored) a possibility at the Lafayette, Harlem.

Estimate for Last Week
'Abe Lincoln in Illinois' Plymouth (7th week) (D-1,038; \$3.30). 'Has gained such momentum that it's beyond the realm of statistical straight plays this season; \$21,000.

'American Landscape' Cort (D-1,059; \$3.30). Presented by 'The Playwrights' workshop; was Rice; tried out in Boston; opens Saturday (3).

'Bachelor Born' Morosco (45th week) (C-961; \$3.30). Better here than at Mansfield, what with cut rates business topped \$5,000; again due to move, this time into 46th Street, next week.

'Boys from Syracuse' Alvin (2d week) (M-1,355; \$4.40). Drew strong press with some rave notices and built to capacity by third night; opened last mid-week; expected to top \$31,000.

'Gloriana' Little (D-532; \$3.30). Opened Friday and drew distinctly wit press, off balance of week for script changes.

'Glorious Morning' Mansfield (1st week) (D-1,097; \$3.30). Opened Saturday (26); drew criticisms on the doubtful script.

'Good Hunting' Hudson. Withdrawn after second performance last week, Tuesday (22).

'Great Lady' Majestic (1st week) (M-1,717; \$3.85). Presented by Dwight Deere Wiman; book by Earle Crooker and Lowell Brentano; score by Frederic Loewe; opens Thursday (1).

'Hellzapoppin' Winter Garden (11th week) (R-1,671; \$3.30). Moved here Monday from 46th Street, where it played to standing room only; last week in 10 performances gross hit new high of nearly \$31,000.

'I Married an Angel' Shubert (10th week) (M-1,360; \$4.40). Still commands excellent attendance with virtual capacity, despite new musical arrivals and agency call taping; \$26,000 claimed.

'Kiss the Boys Goodbye' Miller (10th week) (C-944; \$3.30). Went over the \$17,000 mark last week; rep the best performance and will establish that policy for the rest of the winter, starting with the holidays.

'Leave It to Me' Imperial (4th week) (M-1,468; \$4.40). Leads the field with standees in all performances; second week went over \$35,500 mark.

'Lorelei' Longacre (5th week) (D-1,019; \$3.30). Presented by Richard Aldrich and Dennis King in association with Cedric Hardwicke and Richard Myers; written by Jacques Deval; opened Tuesday (29).

'Ringside Seat' Guit (7th week) (M-1,096; \$4.40). Among the season's better musicals; draw is substantial, although not exceptional; grossed \$16,000.
'Oscar Wilde' Fulton (8th week)

(D-913; \$3.30). Extra matinee Friday set gross around \$17,500; affected by weather several performances, but among straight play leaders.

'Ringside Seat' Guit. Taken off Saturday after playing one week; adverse press.

'Rocket to the Moon' Belasco (2d week) (D-1,000; \$3.30). Opened late last week, drawing fair press; was highly touted, but moderate engagement indicated.

'Sing Out the News' Music Box (10th week) (R-1,116; \$4.40). Continues to profitable business; matinee weakness spots trace from material being used.

'Sallymore' Empire (1st week) (D-1,096; \$3.30). Presented by Henry Weissman; written by Victor Victor; was tried out on the Coast recently; opened Monday (28); panned.

'The Fabulous Invalid' Broadhurst (8th week) (CD-1,107; \$3.85). Has new cast as hoped; around \$13,000 last week, about even better.

'Tobacco Road' Forrest (280th week) (D-1,107; \$1.65). Looks like long run drama will pass the five-year mark; around \$5,000, which is enough for small profit with low-cost operation.

'Victoria Regina' (repeat), Martin Beck (6th week) (CD-1,211; \$3.30). Another three weeks for repeat; still making coin with last week's gross again around \$16,000.

'What a Wonderful World' (3d week) (C-891; \$3.30). Engagement slated until New Year's eve; will be followed by 'The Primrose Path'; 'Life' drew crowd and made \$10,000 last week with \$8,000 in 10 performances.

'Where Do We Go From Here?' Vanderbilt. Withdrawn last Saturday; played one week and seven performances.

'You Can't Take It With You' Ambassador (103d week) (C-1,156; \$1.65). Laugh show is getting by to slight profit and may stick for the holiday trade; last week rated around \$5,000.

Revival
'Hamlet' St. Loo (19th week) (D-1,520; \$3.30). Bettered \$18,000, which was the best gross since starting; cannot get much more in seven performances of full length version; announced to continue into January.

Added
'Pins and Needles' Labor Stage (43d week) (R-500; \$2.75). Passes the year mark this week; trade unionists' revue started as a week-end attraction then went on regularly; averages \$8,000 weekly and okay.

'The Girl from Wyoming' American Music Hall (6th week). More of a stunt than a show; business fair with sale of liquor probably keeping it going.

WPA
'On the Rocks' Daly's; final week.
'The Big Blow' Elliot.

'GOLDEN BOY' \$12,400 DESPITE BALTO SNOW

Baltimore, Nov. 29. Town currently dark after ringing up nice \$12,400 for 'Golden Boy' at Ford's.

'Our Town' drew in next week has walloping advance sale chalked up already and looks headed for resounding take. 'Pins and Needles' set to follow.

Estimate for Last Week
'Golden Boy' Ford's (1,900; \$2.75). Practically sellout trade for upper floors and good interest throughout week built to okay \$12,400. Would have gotten even more but for severe Thanksgiving day snow.

'Whiteoaks' Grosses Fair \$9,900 in Cincy

Cleveland, Nov. 29. Despite Communist attack, Ethel Barrymore managed to keep the Hanna's take from 'Whiteoaks' up to a fairly good \$9,900 for eight performances in a fine line.

Theatre dark this week. Next date is 'Shadow and Substance' for Dec. 5. Shavian cycle at Playhouse was such a disappointment that leading rep the same performance and will House and 'On the Rocks' after one week, showing in 'Yes, My Darling Daughter' to run opposite 'Tonight at 8:30' in its last auditions.

Estimate for Last Week
'Whiteoaks' Hanna (1,435; \$2.75 top). Ethel Barrymore's first visit in three years hurt by too many other distractions; around \$9,900 lets her break better than even.

'Service' \$2,500, Maplewood Theatre, N. Y. Nov. 29.

'Room at the Maplewood' drew did poorly on account of the heavy storms during the week, the b.o. hardly getting \$2,500. Current gross, 'The Mikado' with Howard Marsh.

Twain Still Lively Seller

Gathering of the Mark Twain Assn. at the Hotel Astor, N. Y., to commemorate 103rd year of the birth of the noted scribbler, who was born Samuel Langhorne Clemens, saw an impressive turnout.

Announced at the meeting that winner of the association's 12th annual quotation contest was Mrs. A. G. Karl, of San Diego, Cal. Chairman of the judges for the competition was Dr. William Lyon Phelps. New officers of the association elected at the meeting were Coley B. Taylor, vice-pres. and Edith Burtis, secretary.

Although dead nearly 30 years, Twain is still one of the liveliest authors on the lists of his publisher, Harper's. Indicating the huge earnings from Twain's books is the fact that since 1910, year in which Twain died, Harper's has paid into the Twain estate nearly \$1,500,000 in royalties. Annual royalties since the author's death have never been less than \$50,000. In the year 1924-25, figure was \$91,000.

Figures do not include very large royalties from stage and screen rights to the Twain works. Total sales of Twain books have exceeded 10,000,000.

Indict Annenbergs, Dimitrian

Moe Annenberg, publisher, and Eli Zachary Dimitrian, city editor of the Philly Inquirer, have been indicted by the November grand jury on a charge of libel growing out of the recent political campaign. Suit was brought by Albert M. Greenfield, banker, real estate man, and Democratic biggie, as a result of a radio talk by Daniel J. Murphy, an attorney, who was also indicted. Inquirer reprinted his speech in full. Murphy charged that Greenfield withdrew \$300,000 from the Bankers Trust Company, which he headed, only five days before it closed in 1930. Inquirer additionally printed purported facsimiles of checks and records to prove the charges. Testimony given at a hearing on warrants sworn out by Greenfield showed that the alleged checks drawn were merely a bookkeeping item, and that as a matter of fact Greenfield was actually pouring money into the bank.

Murphy was also indicted on a second count of stating and transmitting libelous statements to a publisher and an editor for publication in newspapers. No date has been set for trial.

Albany Situation

Editorial employees of Frank A. Gannett's Knickerbocker Press, Albany, will vote Dec. 5 to determine whether the Tri-City Newspaper Guild will represent them in collective bargaining. The Guild has withdrawn its petition for a National Labor Relations Board hearing, which was to have been held in Albany last week.

Former employees, whose applications for reinstatement to Press jobs held at the time of the merger of morning daily and the Albany Evening News, in July, 1937, are before the NLRB, will not be counted until their status is finally decided. The Guild had filed charges of discrimination in the merger eliminations.

Examiner George Bokart, after hearings last winter, had recommended that a group of active Guilders be reinstated and The Press Co. be ordered to "cease and desist" from certain practices.

Exiles U. S. Publisher

German-language scribblers under the Nazi ban, who perforce had to turn to Swiss and Dutch publishers, will now be able to get their books published in America in their native language. Recently formed Alliance Book Corp. has made arrangements with those European publishers issuing the works of the German exiles for American reprint rights. Will publish them here as the Forum of German Literature.

Four of the leading literary 'exiles' from Naziland, Thomas Mann, Rene Schickels, Franz Werfel and Stefan Zweig, will act as an advisory committee to help select the books. In the list will be not only contemporary authors, but also those classicists whose books fed the Nazi bonfires.

Books in German will be paper-bound, after the fashion of the literature published abroad, and will sell for much below the standard book price here.

Comic Doubles in Publishing

Lester Allen, pint-size comic, has turned book publisher forming the Allen-Kennel Publishing Co. For a start he is putting out a large-sized book called 'More Dogs by Zito.' It's a collection of cartoons about dogs by the caricaturist Zito, with gag-lines

by Allen. De luxe edition runs to around 50,000 copies, with popular-priced edition to follow.

Publication rights to a couple of light novels have also been acquired by Allen, and he intends to publish the books early next year. Will be profusely illustrated by Zito.

First of the cartoons, 'Dogs by Zito,' published by another house, claimed a sale of around 300,000, at \$2.50 per copy. Allen hopeful the follow-up will touch that figure.

New publishing activity will not keep Allen from the stage. Says he is going into a new show in three weeks.

Poetry Group's Officers

Padrac Colum is the new president of the Poetry Society of America. Other officers are: Theda Kenyon, Gordon, Lawrence and A. M. Sullivan, vice-presidents; Miles Dawson, treasurer, and Harold Vinal, secretary. Executive committee comprises Marie Bullock, Kimball Flaccus, Henry Goddard Leach, May Lewis, Elsie Lieberman, Floyd McKnight, Emma Mills, Mary Atwater and Jean Starr Untermeyer. Edwin Markham named honorary prez.

Both prizes in the organization's annual poetry awards go to New Yorkers. Helen Morrow gets \$100 for her 'Two Deers in a Glade,' and Oscar Williams \$50 for 'Wolf of Music.'

Europa's English Books

Expansion plans being formulated by Europa Books, whereby the publishing house will add English-language books to its output. Has up to the present gone in for foreign-language books only, publishing them here or importing them for American distribution.

English language books to be issued under the Europa imprint will be both fiction and non-fiction, according to Illes Scheer, the firm's head. Not necessarily translations, but original works in English. Scheer, who is also the Europa Books editor, will begin reading manuscripts as soon as arrangements for his company's expanded activities can be completed.

Employees' Stock Worthless

Employees of the Westliche Post, St. Louis German language rag, which suspended in September, will lose about \$140,000 through the paper's failure, chiefly as a result of having accepted stock, in lieu of cash, for wages every other week during the past five years. According to testimony given at a bankruptcy hearing by Walter A. Hofheinz, secretary-treasurer, some employees will lose as much as \$9,000 each.

Employees are principal owners of \$140,770 worth of outstanding stock which is considered worthless. The paper was founded in 1857 and was the oldest daily in St. Louis.

George R. Lamade New Grit Pilot. Late Dietrich Lamade, who piloted Grit, the weekly mag, for over half a century, has been succeeded as prez of the Grit Publishing Co. by George R. Lamade, one of his five sons. New vice-pres is another son, Charles D.

Eldon Lamade, (who died on Oct. 9 to 79), did a build-up on Grit comparable to that of the late Cyrus H. K. Curtis with the Satepost. When Lamade acquired the weekly around 1880, with a capital of approximately \$150, mag's circulation was less than 4,000. From then on build-up was fast, and the weekly's present circulation is in excess of 500,000.

Knott Knows Now Metropolis

Knott Knottes, giveaway mag distributed to patrons of the Knott Hotel, has been acquired by Morrell Cody formerly of the Literary Digest. Cody has formed Morrell Cody Publications to sponsor the mag, whose title will be Metropolis. Policy changes planned. Marion Holbrook will edit.

Periodical will continue to be distributed under the Knott hotel tribute name, but will be sold to guests. Emphasis editorially will be on practical information about New York, and will include humor and photographs. Donald Fairchild will handle show news.

Lansing Pushes Censorship

While Jackson, Mich., turned thumbs down on a proposed ordinance to bar sale of obscene literature, Lansing, Mich., last week prepared a new law prohibiting immoral books through licensing of dealers, a board of censors, and means for enforcement.

Jackie Jackson, city attorney had declared that city's proposal was "flagrantly unconstitutional" and asserted that existing laws were adequate to cover situation.

Schwartz's New Encyclo

Pretextuous new publishing venture being undertaken by Julius Schwartz, who gets out a number of directories, is the Biographical Encyclopedia of America. Will be a who's who of contemporary leaders in every form of endeavor not only in the U. S. but in North America.

With work only just begun, Schwartz organization has no idea as to encyclo's size. Among directories in specialized fields now published by the Schwartz firm are Who's Who in the Clergy, Who's Who in Law, and Who's Who in Physicians and Surgeons.

NEW PERIODICALS

Pastime, mag for the 'little New Yorker,' or antithesis of those who read the New Yorker, will debut Dec. 5. Will concern itself with the New Yorker at home, at work and at play, giving at all times a strictly unsophisticated view of Gotham's human element. Along that angle mag seeks short stories of not over 1,800 words, paragraph incidents, poetry of not more than 14 lines, drawings, photos and cartoons.

U. S. Camera Magazine, picture quarterly, will be brought out by publishers of U. S. Camera Annual. First issue barely precedes 1939 edition of the annual, which comes out this week. New mag's editors include Edward Steichen, Phillips Andrews, T. F. Mahoney, Paul Outerbridge, Anton Bruel, Willard Morgan and Elmer Lasher.

American Citizen, weekly mag having as its purpose the enlightenment of the foreign-born in its preparation. Will be the official organ of the National League of American Citizens of Foreign Descent. Mag will be directed by Stanford M. Shottland, Jr., John A. Weiss and Augustus G. Miller, with last-named as editor.

Pair of mags being readied by Ziff Davis Publishing Co., N. Y. There's a call out for material. Titles and launching dates not determined yet, but one of the periodicals will be an adventure mag in the fantasy field and the other a pulp for weird stories. Short novels, novelettes and short stories wanted for both publications. B. G. Davis to edit the pair, with Raymond A. Palmer as managing editor.

Bandwagon, monthly pictorial mag for jitterbuggers and popular music and music-makers. Special feature will be a 'song-of-the-month' award. Published by Trojan Publications. Bob Maxwell editing.

Vocational Trends, monthly mag, to make its first appearance this week, will give occupational information and statistics for the youth. Publishers are Robert K. Burns and Lyle M. Spencer, latter the son of Dr. M. Lyle Spencer, dean of the School of Journalism at Syracuse University.

Strange Stories, bi-monthly fiction mag, makes its bow with a February issue. Publisher is Better Publications, affiliate of Standard Magazines, chain mag house. Edited by Leo Marland, for all the other Standard periodicals.

Zone, new 'little' mag being readied by Richard Johns for a debut early in the new year. Publication will be monthly, and will contain fiction, poetry and photographs, all pertinent to the American scene. Johns for a time edited Pagan: A Native Quarterly. Will both edit and publish Zone.

Pub Bureau Names Aides

Six directors were elected by Book Publishers Bureau, formerly the National Assn. of Book Publishers, at first annual meeting, in New York. Six, who are Curtis McGraw, Howard C. Lewis, Alfred Knopf, Eugene Willard, Frederick Rinehart and Paul Williams, will meet next month to choose officers for the year.

Book Publishers Bureau, like its predecessor, is book trade body servicing publishers.

45 Hungarian Weeklies Out

Forty-five weeklies, mainly trade papers, economic journals and gossip pages, have been refused publication permits in Hungary under the new Press Law voted by parliament.

It is expected that havoc will be made also among dailies. These have already started to carry out rulings of the Jewish Law and are dismissing Semites and taking on 'Aryans.'

\$15,000 Fire of Det. Daily

Plant of Detroit Abend Post, Michigan's oldest German language daily, which recently went into bankruptcy, was almost destroyed by fire last week. Damage placed

at \$15,000. Plant also hit by fire in February, 1930.

Without missing issue, paper is being printed elsewhere pending repairs.

Monks, Jr., Sues for \$10,000

John Monks, Jr., who with Fred Finkelhoff wrote the stage play, 'Brother Rat,' filed suit in New York Friday (26) to recover \$10,000 from the N. Y. & Baltimore Transportation line for alleged breach of contract.

Monks claims he was entitled to the money as commission for negotiating the sale of the defendant's boat, 'Baldimorean,' to the U. S. Government for \$100,000.

Acquires Harbor Tag

Although Harbor Press is being dissolved, name will not pass out. Rights to the name have been acquired by Elizabeth W. Wood, one of the stockholders, for utilization in the near future.

Publishing plans of Mrs. Wood for the new Harbor Press not formulated as yet, but likely to include a number of limited editions of fine books.

Hearst Drops Xmas Ads

Space rate holiday greetings from showfolk, biz concerns and city officials are being dropped by the Los Angeles Examiner this year. A letter sent out by the Hearst sheet states: 'down town papers agreed to discontinue the practice two years ago.'

Not known whether the Los Angeles Times will follow suit.

Textford's Miniature Books

Textford Press is an addition to the ever-increasing ranks of miniature book publishers. New Publishing house, headed by George Cavallero, projects a number of 35-centers. Will issue books for children as well as for adults.

While most of the cheapies are paper-backs, Textford books will be clothbound.

Charter Book Markets

Book Markets Inc. has been chartered to conduct a printing-publishing business in Manhattan, with a capital stock of \$10,000. Directors are Maude H. Feldman and May S. Hart. 490 West End and Joseph C. Whitman. 343 W. 71st St., New York. Samuel Kornfeld filing attorney.

Frederick Prez of Tide

After two years of editor of Tide, David Frederick becomes president and publisher of the mag. Succeeds Fred McCullough, former advertising agency exec's returning to the advertising biz.

Editorial reins have been taken over by Ellen L. Hess. She was formerly aide to Frederick.

Issues Reprints

Latest publisher to turn to paper-bound books is Columbia Press, Milwaukee publishing house headed by H. H. Coleman. Will put out reprints of fiction only, in full length, to sell at 25c each.

Coleman will give advances on material.

J. Wilson Roy Dies

J. Wilson Roy, 70, once dramatic critic of The Billboard, friend of Sir Harry Lauder and father of Andrew M. Roy, manager of Warner Bros. Albany Strand, died in Albany, N. Y., Nov. 24, after a year's illness. Born in Glasgow, Scotland, he went to London as a salesman for the Lipton Tea Company and became a close associate of Sir Thomas. Later he operated a printing business in London, but disposed of this in 1903 to come to America to sell printing presses to newspapers. At the outbreak of the War, he entered the newspaper field in Ohio. After his retirement as dramatic critic, Roy wrote many short stories and authored two books. Wife, two sons and a daughter survive.

CHATTER

Mary Perkins engaged to marry. Frances Parkinson Keyes in from Washington.

Peter Berns to New Orleans to dig some color or a novel.

Roxane Page Ruhl, of the Life editorial staff, to marry soon.

William Gobert motoring to the Coast, and may winter at Carmel.

Helen Wintz dramatizing her novel of a few seasons ago. 'Wherever You Go.'

Elizabeth Wye, fiction ed of AP's feature service, the bride of Henry A. McCashin.

Ignazio Silone, still an exile in

Switzerland, may come over here next summer.

Morris R. Werner completing a biography of the late Julius Rosenwald, philanthropist.

Tax Publications, Inc., chartered to conduct a publishing-printing business in New York.

Hector Bolitho, who took an immediate blast at the Nazis upon coming over, arrived on a German boat.

Bob Meusel, now writing tin pan alley items for the N. Y. World-Telegram, used to be a lyric writer.

Almost coincident with the publication of his new book of poems, Yovan Radenkovich went to the hosp.

Marie McSwigan working on a fiction tome following publication of her 'Sky Hooks,' 'as told to' autobiography of John Kane, former Pittsburgh house painter who became a topflight artist.

Maury Gurin, formerly on editorial staff of Philadelphia Record, back in his hometown, Pittsburgh, to open a publicity office.

Frank Case parted himself at his Algonquin to celebrate publication of his book, 'Teles of a Wayward Inn,' which is about the hostelry.

First Times Square sign to advertise a book is that covering four and a half stories of the Strand hotel for Charles Cooke's novel, 'Big Show.'

Subject to Antonina, Valentin's new blog, 'Leonardo Da Vinci,' was suggested by Adolph Kroch the Chi bookman, when the two met in Paris.

Hy Gardner's Broadway column now runs three weeks in Brooklyn Eagle instead of once-a-week, when first started some three years ago.

Harry Kodinsky, reporter on Pittsburgh Post-Gazette, now is going out to Gang Busters for radio dramatization.

Margaret Mitchell, author of 'Gone with the Wind' will get the New York Southern Society's annual medal of distinction at a dinner-dance at the Waldorf on Dec. 7.

Harry Baum and Salvador Nelson will do two evening books for the Jewish Palestine Pavilion at the World's Fair, and the professional tour of Don Budge.

Essandees publishes this week, 'We Saw It Happen,' in which a dozen special writers of the N.Y. Times tell the news behind the news of their outstanding assignments.

Dr. Harvey Gaul, one-time music editor and play reviewer for Pittsburgh Post-Gazette, now is going out for reviews for monthly Musical Forecast in that city.

Meigs O. Frost, reporter for New Orleans States-Times-Picayune, was decorated with Palmes Academiques and given rank of Officer d'Academie by France.

National Magazines, Inc., has been chartered to conduct a printing-publishing business in New York. Maurice Chassagnon, Eloise Pineau and Marie J. Bulla are directors.

Seven one-act plays by Florence Ryerson and Colin Clements, etherized by Don Ameche and guests, to be published by Samuel French under the title of 'Angels Don't Marry.'

Re-elected as officers of the Philly News Photographers' Association are Norman Mevius, Ledger, prez; Newton Hartman, Bulletin, treasurer, and Denny Welsh, Fox-Movietone, secretary.

Detroit Saturday Night, which suspended publication several months ago following financial difficulties, resumed regular weekly editions last week, with Fred A. Moore as publisher.

Lee Lawnhurst, composer-pianist, has written a book, 'Pianofair,' to be published Dec. 15. Book is a guide style in popular piano, and gives a breakdown on the technique of top flight pianists.

John Hemmer, former president of the New York City Press Photos Assn., and now a resident of North Carolina, has been named chairman of the executive board of the new Carolina Press Photographers Assn.

Rochester Democrat & Chronicle promoted Sadie Hawkins dance linking with Lil' Abner comic strip as benefit show in Convention Hall. Gals issued summonses for their swains and stood the \$1 nick at the gate.

John English, Schenectady business man and publisher of the Schenectady Sunday Sun since his election to the City Council three years ago, has resigned from the Council and the city's Municipal Housing Authority due to ill health.

John Sullivan, former Philly record scribe, who under the Earle administration was State Bureau of Civil Rights, will enter Temple University Law School instead of going back to the newspaper biz when the Republicans take over on Jan. 17.

Broadway

Elmer Wilson, Coast impresario, in town.
Cole Porter planning a Caribbean cruise in mid-December.
Dorothy Vernon joining Mark Hanna's agency.
Ruth Benedict is p. a. ing 'Here Come the Clowns.'

Fay Marbe, back from London, planning to do a Broadway musical.
Korper, Yiddish legit p. a., back on the job after a long illness.
Glenn Iretson now ballyhooin' Funland Amusement Park in Miami.

Gloria Whitney, formerly vocalist with Russ Morgan, off to Australian vaude dates.

Dinty Doyle and Harold Ross among Thanksgiving crowd at Joe Cook's place in Jersey.

Jerry Martin, assistant in NBC's guest relations division, off to Florida for a month's vacation.

No reasons given, but Paramount employees have been asked not to feed the pigeons that hang around the Par building.

Legit Broadway manager Mildred Dyrans Fishburn, of Philadelphia, in town for ammunition to do something about Philly.

Mary Martin, in 'Leave It to Me,' Broadway musical, waxed two of her songs from the show with Eddy Duchin's orchestra for Brunswick.

Molly Picon won't do a play this season. Husband, manager Jacob Kalich is dickering for Australian vaudeville for the comedienne.

Joe Schoenfeld (VARIETY) out of the hospital and will be convalescing several weeks. Has been in operation, but he's voted very much on the mend now.

Albert Gibson, of the Chocolateers; injured at Strand the date recently, in Brooklyn, laying up with bad knee. Had to cancel at the Apollo this week.

Sid Spier in receipt of personal letter of thanks from the date recently for work in recent campaign. He's stressing that it ain't one of those mimeographed things.

Tom Mead, Universal newswire editor, goes back to the hospital this week to have cast removed from his left foot. Ankle and leg was broken when he was struck by an auto recently.

Snow-laden streets after 'Gloriana' opening night show necessitated dramatic critics Walter Winchell and John Anderson, sharing a cab, to get out and push. Actors stood by and jeered.

Service staff of the Paramount, N. Y., held its annual party Saturday night (28) at the theatre.

Larry Clinton and other members of the current show furnishing entertainment.

Lester Gottlieb, p. a. for Mutual network, almost pitched in Central Park Sunday (27) while taking press photographs of radio actress Peggy Zinke. Didn't know he had to have a permit. Got out, though.

George McCall, radio commentator, and Ella Logan discovered they were both born in the same town in Scotland. Latter says for a home-town visit soon. The latter is east trying to set a new radio sponsor.

Glasgow

Ernest Boole's crew at the Locarno Cafe.
BBC's new Broadcasting House here officially opened.

'Gold Is Where You Find It' (WB) on screen at the Empire.
Virginia presented by the Minerva Operatic Club at the Lyric.

Jack Hylton's orchestra completed one-week engagement at the Empire.
Oliver and Judy Campbell starring at the Empire in 'Idiot's Delight.'

Eddie Peabody and Kimberly and Dave played one week at the Pavilion.

BBC announced appointment of A. P. Lee as press officer for Scottish region.

Anderson College of Medicine to hold first rehearsal of school revue, 'College Daze.'

Rheta Formby, sister of George Formby, is in Glasgow's Green's 'Stars of Tomorrow' company.

Scottish National Players presented a new comedy by Donald MacLaren at the Lyric.
Roy Sugar Candy Choral and Orchestral Union of Glasgow presented its opening concert of the 1938-39 season at St. Andrew's Hall. George Zell conducted the Scottish orchestra.

St. Louis

By Sam X. Hurs

Ted Shawn and Co. presented 'The Dance of the Ages' in the Roosevelt High School auditorium last week.

'Blind Alley' will be presented for 10 nights by Little Theatre group starting tonight (Wednesday).

Avis Kent, warbler, working at Billmore Country Club, to New York for screen test by 20th Century-Fox.

Elissa Landi discussed 'The Difference Between a Lady and a Scoundrel' before members of Junior League last week.

Bill to collect \$5,829 taxes from Harry Murdoch, owner of Mound Club, outside casino, was dismissed last week in Federal court, East St. Louis, by agreement of attorneys.

Vincent Price, native, recently co-

starred with Constance Bennett in 'Service de Luxe,' in 'own visiting parents. Price and wife, Edith Barrett, legit actress, will appear in New York play.

Wade T. Childress and A. C. Stannard have been elected directors of the Municipal Theatre Assn. Childress succeeds F. A. Sudholt, deceased, and Stannard follows A. B. Elias, resigned.

Milton D. Lewis, manager of the Majestic, East St. Louis, Ill., has contracted to do a Broadway musical, carrying off \$1,500 worth of jewelry, clothing, etc., from his home while the family was absent.

Safety Zone

(Continued from page 1)

wellas broadcast. While the FCC writes back safety after its faux pas on Eugene O'Neill's 'Beyond the Horizon,' the fact that one bluenose in an obscure section of the United States could write a letter and put the biggest network on a spot has not been reassuring.

In any event continual trouble from programs that seem innocent enough in script has made the industry self-conscious.

Formulation of a series of program standards, a move intended to end this uncertainty about the way FCC will probably interpret public interest, convenience, or necessity, will be attempted next week by a committee created Friday (25) by Neville Miller, president of National Association of Broadcasters. Recommendations of the committee's labor will be laid before the NAB directorate at its meeting Dec. 12 and 13.

Following talks with FCC Chairman McNinch and industry leaders, Miller took the long-advocated step by asking representatives of both networks and independent stations to see what can be done about finding a way out of the middle created by the Commission's growing habit of spanking licensees ex post facto for programs which individual regulators feel are not in good taste. (Move is in accordance with the idea advanced editorially by VARIETY and also sounded recently by David Sarnoff, chairman of the NBC board, and other industry figures).

FCC Won't Define

While many suggestions have been heard, the committee will start from scratch. Miller has in mind has not been disclosed, although in his private conversations with NAB leaders he has indicated he feels definite yardsticks should be adopted. Since the FCC is unwilling to tell in advance how it will apply the vague provisions of the Communications act to any particular circumstances, Miller feels the licensees must make some move in self-protection. Before any final action, attempt probably will be made to gain the endorsement of the FCC, although it is improbable the airway cops will approve the industry's way which binds it in the future.

Committee, which assembles in New York Monday (5), comprises Millers Edward Klauber, executive vice-president of CBS; Lenox R. Lohr, president of NBC; Theodore Streibert, vice-president of MBS; Paul Morency, WTIC, Hartford; Edgar Bill, WMBD, Peoria; and Ed Craney, KGO, San Francisco. Shortly before Miller made what was described as 'one of the most forward-looking moves' since he took the NAB helm, the Commish handed out another flock of temporary renewals. Some 22 stations, most of which have been operating with short-term tickets, were affected. Transmitters put on the anxious seat for the first time, receiving extensions of present papers only until Jan. 1 were KHUV, Watsonville, Calif.; KPFA, Elkins, Mont.; WBLY, Lima, O.; WBRK, Pittsfield, Mass.; WBRV, Waterbury, Conn.; WCRW, Chicago; WGCM, Mississippi City, Miss.; WJNO, West Palm Beach; and WLAK, Lakeland, Fla. In accordance with the hush-hush principle, no hint given whether program complaints or other reason motivated the action.

At the same session, however, the Commish changed its mind about granting WJJD, Chicago, about advertising copy which has been the object of intensive investigation. Forehanded dropping of inquiries into numerous transmitters which have aired propaganda for products known as Kolor-bak and Cystex. Renewal was issued when the Commish granted petition of Paul D. P. Spearman, counsel for WJJD, for reconsideration of the hearing order. Attorney argued the Commish is invading the precincts of the Federal Trade Commission.

London

Cy Landry in Zurich, Switzerland.
Harry Roy forming own vaudeville unit.

Dick Henderson signed for 10 weeks in America.

Freddy Zay has had six months' work canceled in America.

'You Can't Take It With You' (Col.) doing big biz at the Gaumont.
Dorchester Hotel's new show postponed from last week in December to Jan. 18.

Caligary Bros. at the London Coliseum Dec. 12, doubling from Dorchester Hotel.

Frances Day, Margaret Rawlings and Leslie Stoll obtained final divorce decrees Nov. 14.
Marjorie Dash, daughter of Irwin Dash, married Arnold Somersay, wholesale meat purveyor.

H. M. Tennent celebrated first anniversary of Robert's Wife at the Globe Theatre party at the Savoy Hotel, Nov. 23.

Charlie O'Donnell and Eddie Fields, two of the original Three Rascals, getting together again for vaudeville.

A second will found here disclosed Pearl White left English estate valued at \$250,000, to be divided among her father, brother and sister.

Jacques Charles staging big Christmas spectacle at Earl's Court with 200 gals, including 17 champion skiers. Show opens Dec. 6. It's in for eight weeks' run.

George Black unearthed old Clark and McCullough musical, 'Where's the Flag,' while in America recently, which he intends to use for the next Palladium 'Crazy' show.

Charles C. Tucker wanted Al Trahan to double from his vaudeville unit at Holborn Empire week of Dec. 12 to the Troc, which Tucker booked exclusively, but deal fell through on account of salary differences.

Pittsburgh

By Hal Cohen

The Sol Zions celebrated their fifth wedding anniversary.

Jack Durvis has left Baron Elliott's band to organize his own crew. Lew Mercur plotting a duplicate of his local Nut House in Miami this winter.

Max Arnow here looking over talent at Playhouse and tiny Kilbuck theatre.

Jackie Heller's band now definite for Penn hotel opening New Year's Eve.

Herman Middleton playing piano in Jerry Mayhall's house orchestra at new Senator.

R. E. Sailer, handling Burton Holmes' lecture series at Carnegie Hall this season.

Bob Geffel, managing Earl Mellett's band, Bill Green's Casino, also playing in it.

Lela Moore home for a few days following South American tour with her 'Dance of the Ages' band.

Margaret Daum in from east to sing at annual banquet of Al Abrams' Dapper Dan club.

Mrs. Lyle Harding, wife of Sheridan, made a short stay at hospital after having tonsils clipped.

Dorothy Scott playing lead in Tom Whelan's new play 'And Niebe Who's the Boss' at the Lyric.

Wm. E. Salter, Tuesday night 'Tuesday' at the Playhouse.

Paris

By Hugo Speck

Jack Warner back home.
Jack Cohn in from London.

Roland Toutain in from Africa.
Howard D'Arcy, head of ABC, in from London.

Nadia Dauty topping Bobino bill. Denise Bos went under operation. Gisette Day plans theatrical debut. Juliette Miller in on the Norman.

Serge Glykson's band into Ambassadors.

Cecil Sorel in from South American tour.

Bobby May doubling at Ambassadors and ABC.

Maud and Corby featured at Chez les Nuistes.

Andre Daven and Albert Prejean in from Hollywood.

Marian Anderson playing to full house at Opera house.

'Mother Carey's Chickens' (20th-Cent) opened at Balzac.

'Adam,' new Marcel Archard play, opening at the Gymnase.

'Retour au Paradis,' Danielle Darrieux's latest opening at Marignan.

Matinee entrance fees hoisted by common consent of cinema directors.

Gaston Baty has written 'Duchesse,' next presentation at the Montparnasse.

Francis Carco adapting 'Bubu de Montparnasse,' by Charles Louis Philippe, for film.

Garry Cooper and wife got big greeting at Casino when Chevalier presented by Jean de Letraz and Fodor, in rehearsal at Theatre des Capucines.

Raimu to appear on stage for first time in 10 years in 'The Grand

Duchess,' which Maurice Lehmann will present at Mogador.

Henry Garat suing Bagnoles de l'Orne Casino for 2,000,000 francs (about \$53,000) for loss of one eye as result of fracas there two years ago.

Budapest

Sandor Ince prepping for Hollywood trip.

Soubrette playing to capacity at Vignettes with Klari Tolnay a big hit as the lead.

'Star of Variete' in German and Hungarian versions now being shot at Hanna. Variety stage shots being made at the Mivusz, now dark.

'Accidents Don't Happen' shots finished at Hunnia. Current production is patriotic musical, 'Hussars of Fehervar,' featuring Mik Egly, Piroksa Vaszary, Fager and Kabos.

Actress Cornelia Gardos dismissed from National theatre for publicly pressing a charge of right political views, which might affect peaceful cooperation among members of the company.

'Fuzsa Princess' feature now being made at Filmiroda Studio, is based on story by Catherine Bockay, village schoolmarm, who six months ago married Archduke Albrecht of Hapsburg.

WLW's Defense

(Continued from page 27)

much weight given the statements of individuals with acknowledged selfish interests, Patrick implied.

WLW counsel noted the substantial contributions to technical progress which have been made possible only through actual field tests of 500 kw.

Program of future research also should justify a grant, in as much as physical conditions prevent carrying out scheduled experiments with 50 kw and no laboratory in the nation is able to embark on the program.

Among the ways WLW has benefited the industry and thus helped the public Patrick listed development of novel type of line amplifier, automatic modulation corrector, unique photo-electric cell, and glass pipe insulation, as well as multitudinous discoveries regarding the standards of signal intensity needed to insure satisfactory reception.

Numerous citations to the record were made in attacking the committee's finding that WLW had had an undesirable economic effect upon the remainder of the industry because of the coverage advantage which 500 kw gives.

In taking several exceptions to the conclusions about the economic problem, Patrick declared the committee erred in overlooking statements of its own witnesses and other factual information about business conditions in the area served by the Cincinnati behemoth.

Others Raised Rates

In discussing the economic phase, which was of outstanding importance in the long hearing last summer, Patrick called attention to the steady increase in rates of local and regional stations within the daytime area covered by WLW while the super-power outlet's time charges have 'remained static.' Expansion of NBC in the WLW zone, through addition of outlets in recent years, was mentioned as another important refutation of the committee's findings.

The volume of NBC programs carried by the Cincy outlet has declined since 500 kw operation began and WLW's share of earnings has not mounted proportionately, showing advertisers have not been discouraged from purchasing time on other stations.

On the matter of service rendered with 500 kw, the Crosby counsel remarked upon unique types of programs, the increased outlays for entertainment and information, the continuous drop in percentage relationship between net income and gross sales, the lengths to which WLW has gone in providing programs particularly designed for rural audiences, and the dependence of listeners in thinly-settled sections on clear-channel transmitters. Failure of the committee to give sufficient weight to the postcard survey demonstrating WLW's popularity with listeners was singled out as a basic error.

Conjectural nature of the testimony about interference between WLW and WOR was foundation for another series of exceptions, with the Crosby attorney noting that WOR did not appear in opposition to the request for further 500 kw operation. Whatever serious interference did exist at the outset has been cut out near the vanishing point since WOR went to 50 kw and WLW installed directive antenna.

Attention to the FCC's own standards on interference.

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Hollywood

Howard Benedict to Mexico.
Barnett Parker to Honolulu.

Ralph Byrd called off p. a. tour. Herbert Viers in for two weeks.

Alexander Hall laid up with flu. Mary Maguire going to England.

Saul Bornstein in from Broadway. Pauline Holman laid up with flu.

Mike Levee back from Broadway. Cecil Humphreys in from London.

Boris Karloff celebrated 51st birthday.

Judge Walter C. Kelly injured in fall.

Joe Brandt to hospital for operation.

Chester Morris east on personal tour.

Helen Ferguson laid up with bronchitis.

Frank Morgan bruised in auto crash.

Howard Strickling vacationing on desert.

Ruth Weston planned in from Manhattan.

Lloyd Wright back from N. Y. confabs.

Harold Robb and Ed Rowley back to Dallas.

Ben Silvey laid up with ptomaine poisoning.

Gracie Fields in from England for conferences.

Edith Fowles recovering from appendicitis op.

Jack Bachman back to work after 11 days of flu.

Dalton Trumbo recovering from hand infection.

Bette Davis back to work after four-day illness.

Harold Lloyd's father to hospital for observation.

Sam Bischoff leaves next week for European vacash.

Paquerette Pathe received her first citizenship during filming of 'The Sign of the Cross.'

Count Kiyocho Kumoda gathering studios on way back to Japan.

Sam Wren in from N. Y. for Thanksgiving with Virginia Sale.

Harry Warner out of hospital, recuperating at his Calabasas ranch.

Eddie Welch lectured 150 teachers at University of Southern California.

Donner Crisp overhauling his schooner for a cruise in the South Seas.

Harvey Stephens recovering from burns sustained during filming of 'Warner's 'Red City.'

Eddie Prinz took a leave of absence from Paramount to direct short routines in Earl Carroll's new niter.

Sydney

By Eric Gorrick

Cinesound's 'Dad and Dave' doing big in the six.

Telefont was held over by Greater Union in Brisbane.

'Alexander' (20th) is taking real coin for Hoyts in Sydney.

Horace Shelton appointed musical director, Australian-New Zealand Theatres.

Larry Adler got away to a fine start in Melbourne for Tivoli. Sydney season follows.

Dave Martin waiting for the completion of the Shelley before setting production plans.

Frankie Browne and Jean Kerruish have been appointed to assist Mike Lustig with Metro exploitation.

Joyce Bowden has quit Australian-New Zealand Theatres' publicity office, to go with Snider-Dean.

Cinesound's find, Jean Hatton, booked to play major role in 'Mr. Cheadworth Steps Out' with Cecil Kellaway.

Dan Eckley, newly appointed dance director at Auckland-New Zealand Theatres, picking ballet talent for 'I Married An Angel.'

Magda Neel, local femme, has replaced Joan Abbott as lead in Harry Howard's 'Hollywood Hotel.' Latter returned to U. S. following a reported nervous breakdown.

Chicago

Ed Vornoy laid up with sluggish tonsils.

Hank Richards off to Arizona for a month.

Sam Roberts back from New York talent hunt.

Ros Metzger back to songwriting as a hobby side-line.

Duke Hiney, ex-Universal p. a., out of hospital after long siege.

Frank Rand, Columbia web press chief here, back from New York.

Gertrude Lawrence topped the show at the Bachelors and Benedicts ball.

Cecil Widdfield, Seeds agency radio chief, recuperating from laryngitis.

Walter Donovan song-plugging with the aid of cane following ankle injury.

Joe Kaufman, Balaban & Katz film booker, in hospital for emergency appendectomy.

Alfred Landon, the center of the lobby at the opening of 'Tad Rader Be Right' in the Auditorium.

Jerry Bergen, vaude and niter comic, obtained divorce from Mary E. Bergen on grounds of desertion.

Max Bergen awarded settlement of \$3,500.

OBITUARIES

FRED LEDGETT

Fred Ledgett, 60, equestrian director, died Nov. 13, at his home in Rockford Ill., after a lingering illness. His circus career dates back to 1892 when he joined the W. B. Reynolds circus out of his home town. He was bareback rider several seasons with the old Wallace circus, and later joined Sells Bros. He and his former wife, Dottie Julian, were a featured riding act for several seasons with the Barnum & Bailey and Hagenback-Wallace shows. After they were divorced he married Irene Montgomery, a well known rider and aerialist and elephant performer.

He sustained injuries in the Hagenback-Wallace train wreck, near Gary, Ind. which ended his career as a performer. He took up directorial work and his first position in that capacity was with the John Robinson circus. He later was with the Sells-Floto, Al G. Barnes and Russell Bros. and, last season with the Sells-Sterling circus.

His widow, two daughters and a brother survive.

CHARLES F. GALLAGHER

Charles Frederick Gallagher, of the stage staff of Loew's Downtown theatre, Toronto, died in that city, Nov. 21.

He was an executive officer of Toronto lodge, 58, I.A.T.S.E., and prominent in Toronto Lodge, 11, Theatrical Mutual Assn. He had travelled with 'Way Down East' and other touring companies and later became carpenter at Shubert's Alexandra theatre. In the summers he served with the Percy Haswell stock Co.

Two daughters and three sons survive. Interment locally.

JAMES CONLEY

James Conley, 80, died in Boston, last week, after an illness of only one day. For many years he was lead tenor for the Wilbur opera co.

IN LOVING MEMORY OF

OUR DEAR DEPARTED

MOTHER

SARAH MORETTE

Who Died Nov. 20, 1928

Her Two Daughters

Anna and Lillian Morette

singing opposite Susie Kirwin, Maude Daniels and others. He was regarded as a fixture with the troupe, but he retired at the commencement of the World War after 45 years on the stage.

Interment was at Iddesford, Maine, his birthplace.

LOUISE SYDMETH

Louise Sydmet, 70, died in a New York hospital Nov. 26. She had been under the care of the Actors' Fund.

A native of London, she came to America in 1890, and had played in many important productions. Her last important part was in 'Lombardi, Ltd.', but she more recently played for the Guild in 'The Adding Machine.'

CHARLES F. STRUM

Charles F. Strum, 65, former circus owner and one-time connection manager for Barnum & Bailey Circus, died Nov. 25 at his home in Atlanta. Native of Lincoln, Neb., Strum joined a circus as a youth, working in office at first and later buying his own show. He was one time owner of old circus known as Snider's Greatest Shows, United.

Brother and sister-in-law survive.

BERNARD M. L. ERNST

Bernard M. L. Ernst, 59, ex-head of the Society of American Magicians, died in New York Nov. 28. He succeeded Harry Houdini as president of the Society when the latter died and served 10 years in the position. Besides being interested in magic, he was an attorney.

EDWARD CARLIE

Edward Carlie, 60, film actor and former vaude boffer, died Nov. 25 in Hollywood of a heart attack. He dropped dead while dancing in a scene for 'I'm From Missouri' on the Paramount lot. Surviving is his widow.

WILLIAM FARCHER

William Farcher, 27, died Nov. 17, in Lima, O., from injuries received in a tumble from a theatre marquee while changing signs.

He had been identified with Lima theatres for several years.

JOHN RYLAND

John Ryland, a Negro, well-known as Broadway theatrical figure, died in his sleep Nov. 25.

Details in legit section.

Mrs. Ralph L. Atlas, 33, wife of chief of WIND and WJJD stations, died in Chicago on Nov. 24 of complications following birth of child. Child, four-pound girl, survived.

Mrs. Janet Silvers, 41, wife of Louis Silvers, musical director at 20th-Fox, died Nov. 24 in Hollywood.

Mother, 70, of Walt Disney, died Nov. 28 in Los Angeles from gas asphyxiation. Father, 79, recovered after gas filled their Toluca Lake home from a leaky furnace.

Mother, 66, of Norman Taurag, film director, died Nov. 27 in Hollywood after a brief illness.

No FTP Cuts

(Continued from page 47)

operation, scenic shops, wardrobe and transportation will be directed by Edwards. All employees, front and back of theatres, will report to Edwards. Explained there has been a duplication that the new setup will eliminate. Instead of handling administrative details, Kondolf will requisition from Edwards people and materials needed for presentations. Similar changes among administrators of the other arts projects are also planned.

No Dismissals Planned

Stated that while 10 to 12% of the project personnel will be shifted from one department to another, no dismissals, except for incompetence, are contemplated. It's been decided, too, that those in the business and service divisions who leave WPA to take private employment, will not be replaced and probably will not be eligible for reinstatement. Instead, Edwards has said, unemployed professionals would replace them.

With the closing of 'On the Rocks', at Daly's 63d Street this week, only the 'Big Blow' will remain as a FTP legatee in the theatre zone.

With the closing, two houses in the district under WPA rental will be available.

Adelphi is currently being used for rehearsals of 'Sing For Your Supper', opening date of which is now hazily set for some time after New Year's.

Charles K. Freeman, of WPA's Chicago production staff, has been switched to New York as assistant to Kondolf, replacing James R. Ullman, who was sent to the Coast to direct production there.

Nicholson is reported having been offered the directorship of the Chicago project. Present incumbent, John McGee, is reported to have aroused resentment there because of his policies.

U.S., Concessionaire

(Continued from page 1)

Florida officials figure they will attract more notice by arranging the site here.

Only portion of the exposition now lagging is that selling of midway concessions. One explanation for backwardness in getting construction started is that midway people do not want their money tied up more than two or three months before getting some return. Hence, many will delay until February or March before rushing construction.

BIRTHS

Mr. and Mrs. Boris Karloff, daughter, in Hollywood, Nov. 23. Father is film player.

Mr. and Mrs. Jay B. Wren, daughter, Nov. 24, in New York. Father is manager Reader's Community, Marietta, N. J.; mother former showgirl.

Mr. and Mrs. Bill Sutherland, son, in Pittsburgh, Nov. 19. Father is announcer at KDKA, Pittsburgh.

Refugee Fund

(Continued from page 1)

tickets for art work of internationally known illustrators, painters and sculptors, and will not be limited to American artists solely, nor will sale of tickets be limited to the 100,000 originally contemplated.

Estimates of highly valuable art contributions which will be available, judging from the pledges and contributions already received, are that as many as 100 pieces of work will go to holders of lucky numbers. Time and place of holding the raffle are now being worked out.

Another relief campaign involving motion pictures is afoot to ship food-

Exiles' Revue

Hollywood, Nov. 29.

A 'Talent in Exile' revue is being prepared here.

Frank Scully, Frank Tuttle, Will Morrissey and Charles K. Gordon are laying plans for local production.

stuffs to Barcelona for the Spaniards in dire need there. Move was initiated by the London office of United Artists Corp., which has been making weekly shipments of food stuffs. When Arthur W. Kelly, head of UA foreign department, arrived there recently and heard of the movement, he organized an American unit of relief among employees in the home office in New York. Weekly contributions pledged here will be sent to George Archibald in London.

Par's Charity

With Barney Balaban, president, approving and lending support to a plan to increase the scope of the idea, Paramount's h.o. is holding a raffle and bridge party Dec. 16 for the benefit of German refugees. Ida Wolfe, secretary to Harry Royster, Par theatre executive, and Rose Morell, sec. to Leon Netter, also a Par exec, started the ball rolling in a small way, but now the entire organization is getting behind the benefit idea. Money raised will be turned over for the relief of German refugees of all sects, with raffle tickets sold within the company and possibly outside for the raising of proceeds.

The Dec. 16 party which may spread itself into a dance and entertainment, as well as a bridge and raffle, will be held at the Edison hotel, N. Y., with an admission charged, probably \$1 a head.

The International Casino, N. Y., will sponsor a mammoth Refugee Benefit Sunday, Dec. 18. With unions cooperating and the International Casino lending its full support, the earnings that night will go to the charity.

Anti-Nazi Play Campaign

In a frank effort to arouse American public opinion against the Nazis' religious and racial persecution, the New Theatre League, of New York, has issued a list of six new anti-Nazi plays, which it is encouraging all dramatic groups to present. Outfit, in cooperation with the American Jewish Congress, the American League for Peace and Democracy and several other groups, has mailed several thousand announcements of the play.

Among the plays, one of which is published by the U. S. Department of the Interior, are 'The Bishop of Munster', 'The Informer', 'The Jewish Wife' and 'Independence Hall.'

Interstate's Dec. 7-8 Shows

Interstate Theatre circuit, headed by R. J. O'Donnell and Karl Hobitzelle, will donate entire receipts from 137 theatres on either Dec. 7 or 8 to the refugee fund for Jews from Austria and Germany. Understood, film companies will come in on deal with either whole or partial free rentals for the day.

On Dec. 8 receipts of Interstate's houses in Albuquerque, N. M., will be set aside for like purpose.

Hollywood, Nov. 29.

The Hollywood Anti-Nazi League for Defense of American Democracy took a page ad in DAILY VARIETY Tuesday (29) urging the film capital to close its doors to Leni Riefenstahl, who is called head of the Nazi film industry, and a Nazi agent. Ad recalls the visit of Vittorio Mussolini and remarks, 'Hollywood demonstrated its unwillingness to entertain emissaries of Fascism.' This is followed by 'There is no room in Hollywood for Leni Riefenstahl.'

Film people are also asked to sign a petition for an economic embargo against Germany.

News From the Dailies

This department contains rewritten theatrical news items as published during the week in the daily papers of New York, Chicago, San Francisco, Hollywood and London. VARIETY takes no credit for these news items; each has been rewritten from a daily paper.

East

Joseph Binder awarded the prize for the official poster for the N. Y. World's Fair.

Annual buffalo shoot at Wainwright, Can., started last week. Ridersmen will kill 1,200 at Wainwright and 800 at Elk Island park. Necessary to keep the herd down. Hides and carcasses go to a western meat packer.

Maria Caniglia, Giovanni Martinelli and Nicola Moscona, of the Met, to assist in 'A Night of Music' at the Brooklyn Academy tonight. To head a list of 100 musical artists. To encourage musical appreciation.

TAC cuts to \$1.10 top for its revues at the American Music Hall Sunday afternoons.

Fannie Hurst tossed a cocktail party Sunday at the Met. Proceeds to help establish Refugee theatre. Held at Nat Eastman studios.

Sid Luckman, of Columbia, head man at Loew's Kings, Brooklyn, Monday night, when he presented Erasmus High School eleven with the theatre's trophy. School won it for a third year and now has permanent possession.

Department stores putting in Christmas attractions. Frank Buck is back at Hearn's with his animals. Gimble has a set tableau of the Lone Ranger. Open to those who buy a 'surprise package' for two bits. Another quarter and they can be photoed with the Ranger and Silver group.

Justice Wasservogel has upheld the State Labor Relations Board in its decision against the Stork club. Club will appeal again.

Macy's Thanksgiving day parade had a world's fair float with a guard of 10 Grover Whalens. Photos more interesting in the 24 girls on the 30-foot float.

'What a Life' to give a matinee every afternoon Christmas week. Cast is on co-op basis.

American Automobile Assn. to war on spots where the arresting officers get theirs on a split of the fines.

Robbins Island Clam Co. enjoins private diggers from lifting clams from the beach. The company has leased grounds by recent hurricane. States about 10% of the 30,000 bushels they planted were washed to the seaward by the big blow.

Seals for 'Leah' to Mc now on sale up to Jan. 14.

New Theatre League staged 'Press Time' at the Labor Stage Sunday. Melodrama by Ernest Jones, Brookman and Stedman Coles. Joseph Pevney staged and played the lead. Carmella Ponselle denies she is going to conduct a school for opera singers. Just a school to train singers for radio work.

Arthur J. Pollard, stock broker, to Reno to obtain a split from his wife Marion Chase, nite club entertainer. Says it's a friendly action to save his wife the trouble of coming over from London.

Billy Rose to make change in silver dollars at the Diamond Horseshoe. Customers less apt to tote them home.

Helen Laire to be given an after-theatre supper at the Plaza Dec. 10. Hosts are the Randolph-Macon Women's College N. Y. Alumni.

Antoinette Perry to resume auditions for 'The Great Waltz' in New York. Orson Welles must speak at the Finch Jr. college yesterday afternoon.

Alice Marble, tennis topper, to go into 'Sart' room at the Waldorf-Astoria as a singer.

Elsie Janis to do her Sunday nights at the Music Box instead of the Ziegfeld, as originally planned. Billy Rose to display reproductions of Diamond Jim Brady's jewels at his Diamond Horseshoe.

Lothe Lehman took out her first citizenship papers in N. Y. Somebody missed something when Ferdinand the Bull was paraded down B'way by Macy's the day the Disney film opened at the Music Hall.

National Park Service reports that tourists spent more than \$5,000,000 last year. New York state topped with \$446,000. California got a little less than half that. Pennsylvania third with \$227,850,000. Railroads arrange reduced rates for visitors to the N. Y. World's Fair. Will assure maximum attendance.

Adagio act headed by Helen Swierk was rehearsing at home last Sunday at Newark. Tossers heaved her so high she dislodged the chandelier, fell on her husband, serving as catcher. He sustained lacerations of his arm, shoulder and scalp. She fell to the floor uninjured.

Two white girls who sought the autograph of Fats Waller preceded a fight in front of the Turf club early Sunday morning. Waller was about to enter a cab when apologetic companions reproached the girls and started to strike them. Edward Waller, brother of the musician, sought to stop the trouble, was shot by

Thomas Keogh, who was beaten insensible by the crowd attracted. The others decamped. Edward Waller given hospital attention, but not seriously.

'I Married an Angel' to give a Stage Relief benefit Dec. 11.

Dennis King died a radio broadcast in Toronto Monday night in place of Philip Merrillville, who was killed here for a dress rehearsal of 'Lorelei.' King is co-producer of the show.

Zacchinni, who got shot out of a cannon, in bad with their neighbors at Tampa, where they winter. Suit filed charges them with maintaining an aviary of rare, but noisy birds, a cannon range, where they keep in trim a lot of birds, an assortment of trapezes, a collection of goats and chickens and a machine shop that interferes with radio reception in the vicinity. Some of the family work outdoors on the traps with very little clothing, and shout to each other. Suit seeks compliance with building laws.

Coast

John Barrymore's Tower Road estate, costing \$448,000, goes on the auction block Dec. 10. Layout, overlooking Beverly Hills, consists of two residences, a guest house, two garden houses, two garages, dog kennels and bowling green.

Charles Feldman, agent, was sued for divorce by L. A. Erskine Hill Feldman, who demands \$2,361 monthly alimony and \$25,000 attorney fees.

Income tax liens were filed in L. A. against Wesley Ruggles for \$35,687 for 1937; Jean H. Feldman, \$4,168, 1937; Mrs. Adeline J. Schulberg, \$3,923, 1937.

Bette Davis was sued for divorce in L. A. by Harmon Oscar Nelson, talent agent. They have been married six years.

Carmel Meyers and her husband, Ralph H. Blum, were sued for \$13,193 in L. A. by Mrs. Maude Dean, who was injured in a collision with Miss Meyers' car in 1937.

Divorce action against Jan Garber, orchestra leader, was dropped in L. A. Dorothy Garber told the court they were reconciled.

Genevieve Tobin was exonerated of hit-run driving charges in Beverly Hills.

Lawrence Hazard, film writer, divorced in L. A.

Darryl Zanuck gave \$1,500, 'Carl Laemmle, Jr. \$2,000, and Robert Taylor \$200 to the Democratic campaign in the recent state election, according to report of secretary of state.

Jeff Davis, so-called King of Horses, accepted \$250 as settlement of his \$50,000 claim against Paramount. He had demanded the 50 grand for his services as technical advisor on 'Arkansas Traveler.'

Norman Macdonald, film director, reported \$10,000 burglary of his home in North Hollywood.

Henry Wilcoxon, British film player, and Joan Woodbury, screen actress, announced their intention to wed in L. A., Dec. 17.

Whitney Bourne reported \$15,000 jewel robbery in her Hollywood home while she was in San Francisco.

Wynn Craig, film player, filed suit for divorce in Los Angeles against William R. Patrick, aviation executive.

MARRIAGES

Jean Fines to Orry Hudson, in Hollywood, Nov. 23. He's sound technician at Warners.

Audrey V. Wyckoff, dancer, to Chester Chess, non-professional, at Bowling Green, O., Nov. 19.

Mrs. Pauline Mark Thurston to Charles K. Collins in Harrisburg, Pa., Nov. 22. She's widow of Thurston, the magician, and appeared in his act.

Virginia Curtis to Ronnie Ashburn in Kansas City, Mo., Nov. 21. He's sports announcer for WREN, Lawrence, Kan.

Florence K. Sperl to Hal E. James, in New York, Nov. 23. Bride is casting director for the Compton agency; he's Compton program manager.

Ida Rae Burnett to Arthur S. Lyons, in Yuma, Nov. 24. Bride is a film player; he's the agent.

Marsha Hunt to Jerry Hopper, in Santa Barbara, Nov. 23. Bride is film player; he's assistant chief cutter at Paramount.

Kay Cornelius to Fred Stein, in Pittsburgh, Nov. 27. Bride is a radio and night club entertainer. He's a brother of Benny and Norman Stein, N. Y. legit execs.

Loretta Varga to Bob Klimant, in Buffalo, Nov. 23. He's announcer for WEBR, Buffalo.

My Sincerest Thanks

**To These Friends and Their Guests
Who So Graciously Attended Our
Opening, In the Inclement Weather,
Thanksgiving Night**

Julian Abeles
Fred Ahlert
Willard Alexander
Jack Alicoate
Max Arons
Murray Baker
Louis Bernstein
Phil Bloom
Jack Bregman
Doris Byrne
Bob Canavan
Edward Canavan
George Carhart
Del Casino
Larry Clinton
Chester Conn
Jesse Crawford
Lew Diamond
Tommy Dorsey
James Doyle
William Feinberg
Norman Foley
Harry Friedman
Elmer Gazly
Mack Goldman
Ben Grauer
Sidney Green
Aaron Greengold
K. K. Hansen
Lennie Hayton
Billy Hill
Ralph Hitz
Georgie Joy

Harry Kalcheim
Nick Kenny
Phil Kornheiser
Syd Kornheiser
Bernard Landis
Edgar Leslie
Aaron Levine
Harry Link
Ted Lloyd
Carmen Lombardo
Guy Lombardo
John J. O'Connor
Bernie Pollack
Bernard Prager
Esther Ralston
Meyer Rappaport
Dr. Charles Rein
Ray Remey
Doris Rhodes
Tom Rickett
Jack Rosenberg
Charles Ross
Al Roth
Lester Santly
Carl Snyder
Wm. Stein
Joanie Taps
Rocco Vocco
Lew Wasserman
Bob Weitman
Judge John White
Miss Tommy Whittaker
Edward Wolpin

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